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International Court of Justice

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A.C.A. Building,
Grand Conference Room,
Berlin

INTERNATIONAL MILITARY TRIBUNAL

Public Session
Thursday, October 18, 1945
10:30 A.M.

General Nikitchenko, President

Present: General Nikitchenko, President, Mr. Volchkov, Mr. de Vabres, Mr. Falco, Mr. Biddle, Judge Parker, Lord Justice Lawrence, and Mr. Justice Birkett.

The President said:

"In pursuance of the Agreement by the Government of the Union of Soviet Socialist Republics, the provisional Government of the French Republic, the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for the prosecution and punishment of the major war criminals of the European Axis dated at London 8th August, 1945, and of Article 22 of the Charter annexed thereto constituting this International Military Tribunal, this meeting is held at Berlin for the reception of the Indictment under the Agreement and Charter."

This Statement was translated in French, English and German. The Members of the Tribunal and their Alternates then made the following declaration, each in his own language:

> "I solemnly declare that I will exercise all my powers and duties as a Member of the International Military Tribunal honourably, impartially and conscientiously."

The President then declared the session opened.

The Chief British Prosecutor, Mr. Shawcross, introduced in succession the Soviet Chief Prosecutor, General Rudenko; the French Chief Prosecutor, M. Dubost; and a representative of the American Prosecutor, Mr. Shea. Each on being introduced made a brief speech, which was translated into the other languages, and lodged a copy of the indictment, in his own language, with the President of the Tribunal.

The President said:

"An indictment has now been lodged with the Tribunal by the Committee of the Chief Prosecutors setting out the charges made against the following defendants:

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Hermann Wilhelm Goring, Rudolf Hess, Joachim von Ribbentrop, Robert Ley, Wilhelm Keitel, Ernst Kaltenbrunner, Alfred Rosenberg, Hans Frank, Wilhelm Frick, Julius Streicher, Walter Funk, Hjalmar Schacht, Gustav Krupp von Bohlen und Halbach, Karl Donitz, Erich Raeder, Baldur von Schirach, Fritz Sauckel, Alfred Jodl, Martin Bormann, Franz von Papen, Artur Seyss-Inquart, Albert Speer, Constantin von Neurath, and Hans Fritzsche.

Copies of the Charter and of the Indictment and of its accompanying documents will be served upon the defendants in the German language immediately.

Notices will also be served upon them in writing drawing their attention to Articles 16 and 23 of the Charter which provide that they may either conduct their own defence or be defended by any Counsel professionally qualified to conduct cases beforethe Courts of his own country or by any other person who may be specially authorized thereto by the Tribunal; and a special clerk of the Tribunal has been appointed to advise the defendants of their right and to take instructions from them personally as to their choice of Counsel, and generally to see that their rights of defence are made known to them.

If any defendant who desires to be represented by Counsel is unable to secure the services of Counsel the Tribunal will appoint Counsel to defend him.

The Tribunal has formulated Rules of Procedure, shortly to be published, relating to the production of witnesses and documents in order to see that the defendants have a fair trial with full opportunity to present their defence.

The individual defendants in custody will be notified that they must be ready for Trial within 30 days after the service of the Indictment upon them. Promptly thereafter the Tribunal shall fix and announce the date of the Trial in Nuremberg to take place not less than 30 days after the service of the Indictment and the defendants shall be advised of such date as soon as it is fixed.

It must be understood that the Tribunal which is directed by the Charter to secure an expeditious hearing of the issues raised by the charges will not permit any delay either in the preparation of the defence or of the Trial.

Lord Justice Lawrence will preside at the Trial at Nuremberg.

Notice will also be given under Article 9 of the Charter that the Prosecution intends to ask the Tribunal to declare that the following organizations or groups of which the defendants or some of them were members are criminal organizations, and any member of

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any such group or organization will be entitled to apply to the Tribunal for leave to be heard by the Tribunal upon the question of the criminal character of such group or organization. These organizations referred to are the following:

Die Reichsregierung (Reich Cabinet); Das Korps Der Politischen Leiter Der Nationalsozialistischen Deutschen Arbeiterpartei (Leadership Corps of the Nazi Party); Die Schutzstaffeln Der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS") and including Die Sicherheitsdienst (commonly known as the "SD"); Die Geheime Staatspolizei (Secret State Police, commonly known as the "Gestapo"); Die Sturmabteilungen Der N.S.D.A.P. (commonly known as the "SA") and the General Staff and High Command of the German Armed Forces.

The Indictment having been duly lodged by the Prosecutors in conformity with the provisions of the Charter, it becomes the duty of the Tribunal to give the necessary directions for the publication of the text.

The Tribunal would like to order its immediate publication but this is not possible in as much as the Indictment must be published simultaneously in Moscow, London, Washington, and Paris.

This result may be achieved, as the Tribunal is informed, by permitting publication in the press of the Indictment not earlier than 8 P.M., G.M.T., i.e. 2000 hours today, Thursday, October 18th."

This Statement was translated.

The meeting adjourned at 11:25 A. M.

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INTERNATIONAL MILITARY TRIBUNAL

Wednesday, November 14, 1945

10:00 A. M.

Present: Lord Justice Lawrence, President, Mr. Justice Birkett, Mr. Biddle, Judge Parker, Mr. de Vabres, Mr. Falco, and Mr. Volchkov.

Argument on the motion for a postponement of the trial of Gustav Krupp von Bohlen und Halbach commenced by Dr. Klefisch for the defendant. (1)

Lord Justice Lawrence asked Mr. Justice Jackson if he opposed the motion. (6)

Mr. Justice Jackson exhibited his commission from President Truman to represent the United States and handed a photostatic copy to the American Secretary. The Commission is in the words and figures following, viz: (6)

"HARRY S. TRUMAN

President of the United States of America and
Commander in Chief of the Army and Navy

To all who shall see these presents, Greeting:

Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Robert H. Jackson I do appoint him, in accordance with the provisions of Executive Order Number 9547 heretofore by me promulgated, as the Representative of the United States and as its Chief of Counsel to prepare and prosecute the charges of atrocities and war crimes to be tried before the International Military Tribunal established by the United Nations; and do authorize and empower him to execute and fulfill the duties of those Offices, and to Have and to Hold the said Offices, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Robert H. Jackson.

In testimony whereof, I have caused these Letters to be made Patent and the Seal of the United States to be hereunto affixed.

Done at the City of Washington this sixteenth day of June, in the year of our Lord one thousand nine hundred and forty-five, and of the Independence of the United States of America, the one hundred and sixty ninth.

By the President: HARRY S. TRUMAN

JOSEPH C. GREW
Acting Secretary of State
FRANCIS BIDDLE
Attorney General"

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Argument on the motion continued by Mr. Justice Jackson for the United States, the Soviet Union, and the French Republic, by Mr. Attorney General Shawcross for the United Kingdom, by Mr. Dubost for the French Republic, and concluded by Mr. Klefisch for the defendant. (6)

Adjourned at 12:30 P.M.

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INTERNATIONAL MILITARY TRIBUNAL

Thursday, November 15, 1945

10:15 A. M.

Present: Lord Justice Lawrence, President, Mr. Justice Birkett, Mr. Biddle, Judge Parker, Mr. de Vabres, Mr. Falco, and Mr. Volchkov.

The President said:

"The Tribunal has invited the defense counsel to be present here today as it desires that they shall thoroughly understand the course which the Tribunal proposed the proceedings at the Trial should take. The Tribunal is aware that the procedure provided for by the Charter is in some respects different from the procedure to which defense counsel are accustomed; they therefore desire that defense counsel should be under no misapprehension as to the course which must be followed.

"Article 24 of the Charter provides for the reading of the indictment, but in view of its length and the fact that its contents are now probably well known it may be that defense counsel will not think it necessary that it should be read. The opening of cases for the prosecution will necessarily take a long time and during that time defense counsel will have an opportunity of completing their preparations for defense.

"When witnesses for the prosecution are called it must be understood that it is the function of counsel for the defense to crossexamine the witnesses and that it is not the intention of the Tribunal to crossexamine the witnesses themselves. The Tribunal will not call upon the defense counsel to state what evidence they wish to submit until the case for the prosecution has been closed.

"As defense counsel already know, the General Secretary of the Tribunal makes every effort to obtain such evidence, both witnesses and documents, as the defense wish to adduce and the Tribunal approves. The General Secretary is providing and will provide lodging, food and transportation for defense counsel and witnesses while in Nuremberg, and though the living conditions provided may not be all that can be desired, defense counsel will understand that there are great difficulties in the present circumstances, and efforts will be made to meet any reasonable request.

"Defense counsel have been provided with a document room and an information centre where documents translated into German are available for the defense, subject to the necessary security regulations. It is important that defense counsel should notify the General Secretary as long as possible, and at least three weeks, in advance of witnesses or documents they require.

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"The services which defense counsel are performing are important public services in the interests of Justice, and they will have the protection of the Tribunal in the performance of their duties. In order that the trial should proceed with due expedition it would seem desirable that defense counsel should settle among themselves the order in which they wish to crossexamine the prosecution witnesses and propose to present their defences, and should communicate their wishes in this regard to the General Secretary.

"I hope that what I have said will be of assistance to defense counsel in the preparation of their defense, and that if there are any questions in connection with what I have said, which they want to ask, I will endeavour to answer them." (1-2)

Dr. Thoma for the defendant Rosenberg and Dr. Dix for the defendant Schacht addressed the Tribunal. (2-3)

Adjourned until 2:00 P.M. today.

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INTERNATIONAL MILITARY TRIBUNAL

Thursday, November 15, 1945

2:00 P. M.

Present: Lord Justice Lawrence, President, Mr. Justice Birkett, Mr. Biddle, Judge Parker, Mr. de Vabres, Mr. Falco, and Mr. Volchkov.

In the matter of the application for a postponement of the proceedings against the defendant, Gustav Krupp von Bohlen. Opinion announced by Mr. Justice Lawrence: (2)

"ORDER

"On consideration of the application of counsel for the defendant, Gustav Krupp von Bohlen, for a postponement of the proceedings against him;

It is ordered that the application for postponement be, and the same hereby is, granted;

It is further ordered that the charges in the indictment against Gustav Krupp von Bohlen shall be retained upon the docket of the Tribunal for trial hereafter, if the physical and mental condition of the defendant should permit."

Leave granted to withdraw the motion of defendant Streicher for a postponement of the trial on motion of Dr. Marx for the defendant. (8)

Dr. Marx suggested a mental examination for the defendant Streicher and was advised to make the application in the form of a formal written motion. (3)

Colonel Storey for the United States made a statement in connection with the efforts of the Prosecutors to furnish to the defense counsel evidence and documents. (5-6)

Colonel Pocrovsky for the Soviet Union addressed the Tribunal with reference to an examination of defendant Streicher and was advised that any application for such an examination should be made in writing. (6-7)

Adjourned at 3:00 P. M.

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INTERNATIONAL MILITARY TRIBUNAL

Saturday, November 17, 1945

10:00 A. M.

Present: Lord Justice Lawrence, President, Mr. Justice Birkett, Mr. Biddle, Judge Parker, Mr. de Vabres, Mr. Falco, and Mr. Volchkov.

Lord Justice Lawrence said:

"The Tribunal would like to know whether the Chief Prosecutors wish to make a statement with reference to the defendant Bormann."

Sir David Maxwell-Fyfe made a statement on behalf of the Chief Prosecutors suggesting that Bormann should be tried in absentia.

Colonel Pokrovsky for the Soviet Union made a statement joining in the position of the other Prosecutors.

The Tribunal recessed for deliberation.

Lord Justice Lawrence said:

"The Tribunal has decided that, in pursuance of Article 12 of the Charter, it will try the defendant Bormann in his absence, and it announced that counsel for the defendant Bormann will be appointed to defend him."

Adjourned at 11:55 A. M.

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INTERNATIONAL MILITARY TRIBUNAL

Saturday, November 17, 1945.

3:00 P. M.

Present: Lord Justice Lawrence, President, Mr. Justice Birkett Mr. Biddle, Judge Parker, Mr. de Vabres, Mr. Falco, General Nikitchenko, and Mr. Volchkov.

Lord Justice Lawrence said:

"The motion to amend the indictment by adding the name of Alfried Krupp has been considered by the Tribunal in all its aspects and the application is rejected."

In the matter of the Chief Prosecutors for an amendment of the indictment:

"ORDER

On consideration of the motion to amend the indictment by adding the name of Alfried Krupp; it is ordered that the motion be, and the same hereby is, rejected."

Adjourned at 3:10 P. M.

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INTERNATIONAL MILITARY TRIBUNAL

Tuesday, November 20, 1945

10:00 A. M.

Present: Lord Justice Lawrence, President, Mr. Justice Birkett, Mr. Biddle, Judge Parker, Mr. de Vabres, Mr. Falco, and Mr. Volchkov.

Lord Justice Lawrence said:

"Before the defendants in this case are called upon to make their pleas to the indictment, which has been lodged against them, and in which they are charged with crimes against peace, war crimes, and crimes against humanity, and of a common plan of conspiracy to commit those crimes, it is the wish of the Tribunal that I should make a very brief statement on behalf of the Tribunal.

"This International Military Tribunal has been established pursuant to the Agreement of London, dated the 8th day of August, 1945, and the Charter of the Tribunal as annexed thereto. The purpose for which the Tribunal has been established is stated in Article 1 of the Charter to be the just and prompt trial and punishment of the major war criminals of the European Axis.

"The signatories to the Agreement and Charter are the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the United States of America, the Provisional Government of the French Republic and the Government of the Union of Soviet Socialist Republics.

"The Committee of the Chief Prosecutors, appointed by the four signatories, have settled the final designation of the war criminals to be tried by the Tribunal, and have approved the indictment on which the present defendants stand charged here today.

"On Thursday, the 18th of October, 1945, in Berlin, the indictment was lodged with the Tribunal and a copy of that indictment in the German indictment has been furnished to each defendant, and has been in his possession for more than thirty days.

"All the defendants are represented by counsel. In almost all cases the counsel appearing for the defendants, have been chosen by the defendants themselves, but in cases where counsel could not be obtained, the Tribunal has itself selected counsel agreeable to the defendant.

"The Tribunal has heard with great satisfaction of the steps which have been taken by the Chief Prosecutors to make available to defending counsel the numerous documents upon which the prosecution rely, with the aim of giving to the defendant every possibility for a just defense.

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"The trial, which is now about to begin is unique in the history of the jurisprudence of the world and it is of supreme importance to millions of people all over the globe. For these reasons, there is laid upon everybody who takes any part in this trial a solemn responsibility to discharge their duties without fear or favor in accordance with the sacred principles of law and justice.

"The four signatories, having invoked the judicial process, it is the duty of all concerned to see that the trial in no way departs from those principles and traditions, which alone give justice its authority and the place it ought to occupy in the affairs of all civilized states.

"This trial is a public trial in the fullest sense of those words, and I must, therefore, remind the public that the Tribunal will insist upon the complete maintenance of order and decorum, and will take the strictest measures to enforce it. It only remains for me to direct, in accordance with the provisions of the Charter, that the indictment shall now be read." (1-2)

Reading of the indictment commenced by Mr. Sidney Alderman of the United States Delegation and continued by Sir David Maxwell-Fyfe of the British Delegation. (2,22)

Lord Justice Lawrence said:

"The Tribunal understands that the defendant Ernst Kaltenbrunner is temporarily ill. The trial will continue in his absence." (24)

Reading of the indictment continued by Mr. Monnier of the French Delegation, by Mr. Jerthoffer representing the French Delegation, by Lt. Colonel Ozol representing the Soviet Delegation, by Captain Koochin representing the Soviet Delegation, by Mr. Sidney Alderman, and concluded by Sir David Maxwell-Fyfe. (24-33)

Adjourned until tomorrow at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Wednesday, November 21, 1945

10:00 A. M.

Present: Lord Justice Lawrence, President, Mr. Justice Birkett, Mr. Biddle, Judge Parker, Mr. de Vabres, Mr. Falco, and Mr. Volchkov.

Lord Justice Lawrence said:

"A motion has been filed with the Tribunal and the Tribunal has given it consideration. Insofar as it may be a plea to the jurisdiction of the Tribunal, it conflicts with Article 3 of the Charter and will not be entertained. Insofar as it may contain other arguments, which may be open to the defendants, they may be heard at a later stage." (94)

Lord Justice Lawrence said:

"I will now call upon the defendants to plead guilty or not guilty to the charges against them." (96)

Pleas were entered as follows:

Hermann Wilhelm Goring	- not guilty
Rudolph Hess	- not guilty
Joachim von Ribbentrop	- not guilty
Wilhelm Keitel	- not guilty

Lord Justice Lawrence said:

"In the absence of Ernst Kaltenbrunner, the trial will proceed against him, but he will have an opportunity of pleading when he is sufficiently well to be brought back into Court." (97)

Pleas continued:

Alfred Rosenberg	- not guilty
Hans Frank	- not guilty
Wilhelm Frick	- not guilty
Julius Streicher	- not guilty
Walter Funk	- not guilty
Hjalmar Schacht	- not guilty
Karl Donitz	- not guilty
Erich Raeder	- not guilty
Baldur von Schirach	- not guilty
Fritz Sauckel	- not guilty
Alfred Jodl	- not guilty
Franz von Papen	- not guilty
Artur Seyss-Inquart	- not guilty
Albert Speer	- not guilty
Constantin von Neurath	- not guilty
Hans Fritzsche	- not guilty

(97-95)

Opening statement on behalf of the United States by Mr. Justice Jackson.

Adjourned until tomorrow at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Thursday, November 22, 1945

10:00 A.M.

Present: Lord Justice Lawrence, President, Mr. Justice Birkett, Mr. Biddle, Judge Parker, Mr. de Vabres, Mr. Falco, General Nikitchenko, and Mr. Volchkov.

The President announced the report of medical experts on the condition of Streicher as follows:

"1. The defendant Julius Streicher is sane.

2. The defendant Julius Streicher is fit to appear before the Tribunal and to present his defense.

3. It being the unanimous conclusion of the examiners that Julius Streicher is sane, he is for that reason capable of understanding the nature and policy of his acts during the period of time covered by the indictment."

The President said:

"The Tribunal accepts the report of the medical experts and the trial against Julius Streicher will, therefore, proceed."

(179)

Motion of counsel for Bormann for a postponement of the trial against him denied.

Colonel Storey outlined the method of capturing, assembling, processing and authenticating documents to be presented in evidence by the United States and described and illustrated the place of presenting documents and briefs relating to the United States in chief.

(180-1)

Presentation of charts of the Nazi Party and Reich Government with exhibits and explanation by Mr. Albrecht.

(187-211)

Presentation of the briefs and documents on the phase of the case known as the Common Plan or Conspiracy, up to 1939, commenced by Major Wallis.

(212)

The President advised defense counsel that they would be able to make objections to any document after they had time to consider it.

(233)

Adjourned until tomorrow at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Friday, November 23, 1945

10:00 A.M.

Present: Lord Justice Lawrence, President, Mr. Justice Birkett, Mr. Biddle, Judge Parker, Mr. de Vabres, Mr. Falco, General Nikitchenko, and Mr. Volchkov.

Dr. Nelte, counsel for Keitel, raised objections to a document which had been introducted and the President said:

"The Tribunal has ruled that the documents are admissible, but the defendants can prove at a later stage any matters, which are relevant to the documents. It is not necessary for the defendants to make any objections at this stage. At a later stage they can prove any matters, which are relevant to the weight of the documents." (250)

Dr. Dix, counsel for Schacht, inquired whether the entire document, though presented only in part, would be relied upon as a basis for decision. (251)

The President said:

"Every document, when it is put in, becomes a part of the record and is in evidence before the Tribunal, but it is open to the defendants to criticize and comment upon any part of the document when their case is presented." (251)

The President made the following announcements:

1. The Tribunal will not sit on Saturday morning of this week, in order that defendants' counsel may have more time for the consideration of the documents and arguments, which have been made up to that time.

2. All motions and applications shall, as far as practicable, be made in writing, both by the Prosecution and by the Defense.

3. It would be more convenient to the Tribunal and possibly also to the Defense if briefs and volumes of documents were presented to the Tribunal before counsel speaking begins the branch of the case, and also that it would be convenient if counsel would give a short explanatiion of the documents, drawing attention to any passages in the documents to which he particularly wishes to draw attention. (251)

Colloquy between the President and counsel.

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Presentation of the "Common Plan or Conspiracy" up to 1939, concluded by Major Wallis. (260)

Presentation of "Economic Preparation for Aggressive War" by Mr. Dodd. (272)

Mr. Dodd offered in evidence the originals of the documents to which he had referred, but since the defendants had not had sufficient time to inspect them the President advised that they be submitted later. (272)

Presentation of "Aggressive War" commenced by Mr. Alderman.

Colloquy between the President and counsel. (320)

Adjourned until Monday, November 26, at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Monday, November 26, 1945

10:00 A. M.

Present: Lord Justice Lawrence, President, Mr. Justice Birkett, Mr. Biddle, Judge Parker, Mr. de Vabres, Mr. Falco, Mr. Volchkov, and General Nikitchenko.

Dr. Sauter, counsel for von Ribbentrop, requested that Miss Blank, former secretary of the defendant be made available to the dictation from von Ribbentrop and also that certain witnesses be brought to Nurnberg and that von Ribbentrop be permitted to speak to them. (325)

The President said that the application should have been made in writing but that the facts with reference to the application in respect to von Ribbentrop's secretary would be considered. He further said that the applications as to witnesses and documents have been or will be considered by the Tribunal. (3267)

The President said that after consultation with the Prosecution and counsel for the defense regarding the production of documents the Tribunal has provisionally made the following arrangements:

"As was announced at the sitting on Friday, Counsel for the Prosecution, were to try and arrange with Defendants' Counsel some satisfactory arrangement with reference to the production of documents in the German language. In accordance with that announcement, Counsel for the Prosecution saw Counsel for the Defense, and representatives of the Prosecution and the Defense, appeared before the Tribunal and the Tribunal has provisionally made the following arrangement: First, that in the future, only such parts of documents as are read in Court by the Prosecution, shall in the first instance be part of the record. In that way, those parts of the documents will be conveyed to Defendants' Counsel through the earphones in German. Second, in order that Defendants and their Counsel may have an opportunity to inspect such documents in their entirety in German, a photostatic copy of the original and one copy thereof shall be deposited in the Defendants' Counsel room at the same time that they are produced in court. Three, the Defendants' Counsel may at any time refer to any other part of such documents. Four, Prosecuting Counsel will furnish Defendants' Counsel with ten copies of their trial briefs in English and five copies of their books of documents in English at the time such briefs and books are furnished to the Tribunal. Five, Defendants' Counsel will be furnished with one copy each of the transcript of the proceedings. That is all." (327)

Presentation of "Aggressive War" continued by Mr. Alderman. (328)

In answer to an inquiry by the President Colonel Storey advised that approximately 250 copies of each document were furnished the Press. The President directed that counsel for each defendant be furnished with copies of documents. (380)

Adjourned until tomorrow at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Tuesday, November 27, 1945

10:00 A. M.

Present: Lord Justice Lawrence, President, Mr. Justice Birkett, Mr. Biddle, Judge Parker, Mr. de Vabres, Mr. Falco, General Nikitchenko, and Mr. Volchkov.

Presentation of "Aggresive War" continued by Mr. Alderman. (397)

Mr. Alderman sought a ruling from the Tribunal on the question of reading into the record an interrogation of defendant Raeder which had not been shown to defense counsel.

Dr. Siemers, counsel for Raeder, questioned the admission in evidence of interrogation. (425

The President ruled that in the future, if interrogations are to be used, copies should be furnished defendants counsel beforehand; and that the defense could not put into evidence their interrogations of the defendants but must call them as witnesses.

Mr. Justice Jackson presented Mr. A. I. Vishinski of the Foreign Office and Mr. K. P. Gorshenin, Chief Prosecutor, of the Union of Soviet Socialists Republics. (430)

Presentation of the first phase of "Aggressive War" concluded by Mr. Alderman. (464)

Adjourned until tomorrow at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Wednesday, November 28, 1945.

10:00 A. M.

Present: Lord Justice Lawrence, President, Mr. Justice Birkett, Mr. Biddle, Judge Parker, Mr. de Vabres, Mr. Falco, General Nikitchenko, and Mr. Volchkov.

Presentation of "Aggression Against Austria" commenced by Mr. Alderman. (466)

Dr. Kubuschok, counsel for von Papen, object to the admission in evidence of Exhibit USA 57 (1760-PS), "Affidavit of George S. Messersmith" on the ground that Mr. Messersmith should be produced as a witness. (469)

The President said:

> "The Tribunal have considered the objection which has been raised, and in view of the powers which the Tribunal has under Article 19 of the Charter, which provides that the Tribunal shall not be bound by technical rules of evidence, but shall adopt and apply to the greatest possible extent expeditious and non-technical procedure and shall admit any evidence which it deems to have probative value. In view of those provisions, the Tribunal holds that affidavits can be presented, and that in the present case it is a proper course. The question of the probative value of an affidavit as compared with a witness who has been cross-examined would of course be considered by the Tribunal; and if at a later stage, the Tribunal thinks the presence of a witness is of extreme importance, the matter can be reconsidered. And they would add this: That if the defense wish to put interrogatories to the witness, they will be at liberty to do so." (472)

The President later said: "* * if defense counsel wishes to put interrogations to Mr. Messersmith upon his affidavit they may submit such interrogations to the Tribunal in writing for them to be sent to Mr. Messersmith to answer." (493)

Dr. Kranzbuehler, counsel for Doenitz, requested that Mr. Messersmith be brought before the Tribunal to testify when and where he spoke to the defendant Doenitz. (494)

The President stated that the Tribunal had ruled the affidavit admissible in evidence; that its probative value would be considered; that defense counsel could submit interrogatories to Mr. Messersmith; and that defendants would have an opportunity to deny statements in the indictment. (494)

Dr. Laternser, counsel for Seyss-Inquart, objected to the presentation of the letters contained in Exhibit USA 61 (812-PS) on the ground that Rainer is available as a witness. (498)

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The President said:

"The Tribunal is of the opinion that the letters are admissible. They were written to and received by the defendant Seyss-Inquart. The defendant can challenge the contents of the letters by his evidence.

If it is true that Rainer is in Nurnberg, it is open to the defendant to apply to the Tribunal for leave to call Rainer in due course. He can then challenge the contents of these letters, both by the defendant Seyss-Inquart's evidence and by Rainer's evidence. The letters themselves are admitted." (500)

Dr. Laternser, counsel for Seyss-Inquart, objected to the admission in evidence of Exhibit USA 00 (2994-PS), Affidavit of Kurt von Schuschnigg, on the ground that Schuschnigg is available as a witness. The Tribunal recessed to consider the objection. (523)

The President said:

"The Tribunal has considered the objection to the affidavit of Schuschnigg and upholds the objection.

If the prosecution desire to call Schuschnigg as a witness they can apply to do so. Equally the defense, if they wish to call Schuschnigg as a witness, can apply to do so. In the event of Schuschnigg not being able to be produced the question of affidavit evidence by Schuschnigg being given will be reconsidered." (525)

Adjourned until tomorrow at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Thursday, November 29, 1945

10:00 A. M.

Present: Lord Justice Lawrence, President, Mr. Justice Birkett, Mr. Biddle, Judge Parker. Mr. de Vabres, Mr. Falco, General Nikitchenko, and Mr. Volchkov.

Presentation of "Aggression Against Austria" continued by Mr. Alderman. (539)

Dr. Exner, counsel for Jodl, objected to the partial reading of Exner of USA 66 (C-175). (549)

The President stated that defense counsel would have an opportunity at the appropriate time to refer to any documents, parts of which have been put in by the Prosecution, and to read such parts as they think necessary then.

Presentation of "Aggression Against Austria" concluded by Mr. Alderman.

Presentation of a documentary film on "Concentration Camps" by Mr. Dodd. (592)

Introduction of the film and statement explaining its source and authenticity by Commander Donovan. (593)

Presentation of the film "Nazi Concentration Camps". (594)

Adjourned until tomorrow at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Friday, November 30, 1945.

Present: All of the Members of the Tribunal and their Alternates.

Colonel Amen stated that he proposed to call as the first witness for the Prosecution Major General Erwin Lahousen. (596)

Dr. Nelte, counsel for Keitel, objected to the calling of the witness on the grounds that the defense had not been advised. The witness was permitted to be called. (604)

Testimony of the witness Lahousen. (605)

Hearing on the question as to the continuance of the trial as to Hess. (660)

Adjourned until tomorrow at 10:00 o'clock.

H5172 – 0024

INTERNATIONAL MILITARY TRIBUNAL

Saturday, December 1, 1945

Present: All of the Members of the Tribunal and their Alternates.

The President announced the judgment of the Tribunal upon the application made by counsel for defendant Hess as follows:

"The Tribunal has given careful consideration to the motion of Counsel for the Defendant Hess, and it has had the advantage of hearing full argument upon it both from the Defense and from the Prosecution. The Tribunal has also considered the very full medical reports, which have been made on the condition of the Defendant Hess, and has come to the conclusion that no grounds whatever exist for a further examination to be ordered.

After hearing the statement of the Defendant Hess in Court yesterday, and in view of all the evidence, the Tribunal is of the opinion that the Defendant Hess is capable of standing his trial at the present time, and the motion of Counsel for the Defense is, therefore, denied, and the trial will proceed."

(688)

Testimony of Major General Erwin Lahousen (resumed): (688)

Dr. Stahmer requested a ruling of the Tribunal on the question whether the defendant also has the right to personally ask the witness questions. (728)

The Tribunal retired to consider the question raised by Dr. Stahmer. (731)

The President said:

"The Tribunal has carefully considered the question raised by Dr. Stahmer, and it holds that defendants who are represented by Counsel have not the right to cross-examine witnesses. They have the right to be called as witnesses themselves and to make a statement at the end of the trial."

Adjourned until Monday, December 3rd, at 10:00 o'clock.

H5172 - 0025

INTERNATIONAL MILITARY TRIBUNAL

Monday, December 3, 1945

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "Execution of the plan to invade Czechoslovakia" commenced by Mr. Alderman. (733)

Dr. Stahmer objected to the admission in evidence of Exhibit USA 102 (3040-PS) - "Affidavit of Gottlieb Berger" on the ground that Berger was available as a witness. (797)

Objection upheld. (797)

Exhibit USA 103 (3029-PS) - "Affidavit of Alfred Naujocks" also rejected as evidence. (797)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0026

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, December 4, 1945

Present: All of the Members of the Tribunal and their Alternates.

Opening statement of Great Britain and Northern Ireland commenced by Sir Hartley Shawcross. (811)

The President announced that the Tribunal would sit from 10:00 A.M. until 1:00 P.M., with a break of ten minutes in the middle of the morning; and from 2:00 P.M. until 5:00 P.M. with a break of ten minutes in the middle of the afternoon; and that there would be no open session on Saturday morning, as the Tribunal has a large number of applications by defendants' counsel for witnesses and documents and other matters to consider. (855)

Opening statement concluded by Sir Hartley Shawcross. (855-891)

Presentation of "Execution of the plan to invade Czechoslovakia" continued by Mr. Alderman. (891)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0027

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, December 5, 1945.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "Execution of the plan to invade Czechoslovakia" by Mr. Alderman. (901)

The President announced that for the convenience of defense counsel the Tribunal would, in the future, recess from 12:45 A.M. until 2:00 P.M. (923)

Presentation of "Execution of the plan to invade Czechoslovakia" concluded by Mr. Alderman. (933)

Sir David Maxwell-Fyfe outlined the manner in which the British case would be presented and stated the arrangements which had been made regarding documents. He stated that no oral witnesses would be called. (933)

Presentation of "General Treaties" by Sir David Maxwell-Fyfe. (934)

Presentation of "Aggression against Poland, the United Kingdom and France" commenced by Lt-Col. Griffith-Jones. (966)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0028

INTERNATIONAL MILITARY TRIBUNAL

Thursday, December 6, 1945.

Present: All of the Members of the Tribunal and their Alternates.

The President Said:

"The Tribunal has received an urgent request from the defendants' counsel that the trial should be adjourned at Christmas for a period of three weeks. The Tribunal is aware of the many interests which must be considered in a trial of this complexity and magnitude, and as the trial must inevitably last for a considerable time, the Tribunal considers that it is not only in the interest of the defendants and their counsel but of every one concerned in the trial that there should be a recess. On the whole it seems best to take that recess at Christmas rather than at a later date when the Prosecution's case has been completed. The Tribunal will therefore rise for the Christmas week and over the 1st of January, and will not sit after the session on Thursday, the 20th of December, and will sit again on Wednesday, the 2nd of January." (985)

Mr. Justice Jackson said:

"I should like, in justice to my staff, to note the American objection to the adjournment for the benefit of the defendants." (985)

Presentation of "Aggression against Poland, the United Kingdom and France" continued by LtCol. Griffith-Jones. (985)

Dr. Stahmer objected to the admission in evidence of Exhibit GB 64 (TC-90) and Interrogation of Goering on the ground that Goering could be heard as a witness. (1039)

The President said:

"The Tribunal does not understand the ground of your objection, in view of Article 15 C and Article 16 B of the Charter. Article 15 C provides that the Chief Prosecutors shall undertake, among others, the duty of the preliminary examination of all necessary witnesses and of the defendants; and Article 16 provides that in order to insure fair trial for the defendants, the following procedure shall be follows: B -During any preliminary examination of a defendant he shall have the right to give any explanation relevant to the charges made against him; C - A preliminary examination of a defendant shall be conducted in or translated into a language which the defendant understands. Those provisions of the Charter, in the opinion of the Tribunal, show that the defendants may be interrogated and that their interrogations may be put in evidence." (1040)

H5172 - 0029

December 6, 1945.

Presentation of "Aggression against Poland, the United Kingdom and France" concluded by Lt-Col. Griffith-Jones. (1000)

Presentation of "Aggression against Norway and Denmark" commenced by Mr. Elwyn Jones. (1000)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0030

INTERNATIONAL MILITARY TRIBUNAL

Friday, December 7, 1945

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "Aggression against Norway and Denmark" concluded by Mr. Elwin Jones. (1076-1100)

Presentation of "Aggression against Belgium, The Netherlands and Luxembourg" by Mr. G. D. Roberts. (1100)

Presentation of "Aggression against Greece and Yugoslavia" by Colonel Phillimore.

Mr. Alderman offered two additional documents relating to aggression against Austria. (1152)

Presentation of "War of Aggression against the USSR" commenced by Mr. Alderman. (1100)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0031

INTERNATIONAL MILITARY TRIBUNAL

Monday, December 10, 1945

Present: All of the Members of the Tribunal and their Alternates.

The President said:

"The Tribunal has received a letter from Dr. Dix on behalf of the Defendant Schacht. In answer to that, the Tribunal wishes the Defendants' Counsel to know that they will be permitted to make one speech only in accordance with Article 24 (h) of the Charter, and this speech will be at the conclusion of all the evidence.

At the conclusion of the case for the Prosecution, the Defendants' Counsel will be invited to submit to the Tribunal the evidence they propose to call, but they will be strictly confined to the names of the witnesses, and the matters to which their evidence will be relevant, and this submission must not be in the nature of a speech. Is that clear? In case there should be any misunderstanding, what I have just said will be posted up on the Board in the Defendants' Counsel room so that you can study it there." (1169)

Presentation of "War of Aggression against USSR" continued by Mr. Alderman. (1169)

The President called upon defendant Kaltenbrunner to plead to the indictment. (1216)

Defendant Kaltenbrunner plead not guilty. (1216)

Presentation of "War of Aggression against USSR" concluded by Mr. Alderman. (1217)

Presentation of "Collaboration with Italy and Japan and Aggressive War against the United States" by Mr. Alderman. (1217)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0032

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, December 11,1945

Present: All of the Members of the Tribunal and their Alternates.

Presentation of the motion picture "The Nazi Plan" by Commander Donovan. (1202)

Presentation of Document Book "R" "The Nazi Conspirators Slave Labor Program, The Illegal Use of Prisoners of War, and The Special Responsibility of Defendants Sauckel and Speer therefor", commenced by Mr. Dodd. (1205)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0033

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, December 12, 1945

Present: All of the Members of the Tribunal and their Alternates.

Presentation of Document Book "R","The Nazi Conspirators Slave Labor Program, The Illegal Use of Prisoners of War, and The Special Responsibility of Defendants Sauckel and Speer therefor", continued by Mr. Dodd.

(1284)

Colloquy between the President and counsel concerning the admission in evidence of interrogation of the defendants. The President ruled that if a portion of an interrogation is to be submitted the entire interrogation should be made available to defendants' counsel in German.

(1297)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0034

INTERNATIONAL MILITARY TRIBUNAL

Thursday, December 13, 1945

Present: All of the Members of the Tribunal and their Alternates.

Presentation of Document Book "R", "The Nazi Conspirators Slave Labor Program, The Illegal Use of Prisoners of War, and The Special Responsibility of Defendants Sauckel and Speer therefor", concluded by Mr. Dodd. (1372-1397)

Presentation of Document Book "S", "Concentration Camps", by Mr. Dodd. (1397)

Presentation of "Persecution of the Jews" commenced by Major Walsh. (1432)

Presentation of "Original German 8 m.m. film of atrocities against Jews" presented by Commander Donovan. (1457)

Presentation of "Persecution of the Jews" continued by Major Walsh. (1458)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0035

INTERNATIONAL MILITARY TRIBUNAL

Friday, December 14, 1945

Present: All of the Members of the Tribunal and their Alternates.

Colloquy between the President and counsel concerning the admission in evidence of affidavits. (1464)

Presentation of "Persecution Against the Jews" continued by Major Walsh. (1478)

Showing of still pictures from Exhibit USA 275 (1061-PS) on the screen. (1487)

The President said:

> "The motion that was made this morning on behalf of the defendant Kaltenbrunner is denied and the affidavit is admitted and will not be stricken from the record. But the Tribunal wished me to say that it is open to the defendant's counsel, in accordance with the Charter and the Rules, to make a motion, in writing, if they wish to do so, for the attendance of Pfaffenberger for cross-examination and to state in that motion the reasons therefore." (1504)

Motion of Dr. Kauffman to strike affidavit of Dr. Hoettl, Exhibit USA 296 (2738-PS) denied. (1504-5)

Presentation of "Germanization and Spoliation" commenced by Captain Harris. (1509)

Proposal by Mr. Justice Jackson concerning the offering of evidence against defendant organizations. (1545)

Colloquy between President and counsel. (1548)

Adjourned until Monday, December 17, 1945, at 10:00 o'clock.

H5172 - 0036

INTERNATIONAL MILITARY TRIBUNAL

Monday, December 17, 1945

Present: All of the Members of the Tribunal and their Alternates.

The President made the following announcements:

"The attention of the Tribunal has been drawn to publications in the press of what appear to have been interviews with some of the defendants in this case, given through the agency of their counsel. The Tribunal considers it necessary to state with the greatest emphasis that this is a procedure which cannot and will not be countenanced. Therefore, counsel are warned that they should observe the highest professional standards in such matters and should not use the opportunity afforded to them of conferring freely with their clients to act in any way as intermediaries between the defendants and the press, and they must exercise the greatest professional discretion in making any statement on their own behalf.

The Tribunal recognizes that in a trial of this kind, where the public interest is world-wide, it is in the highest degree important that all those who take part in the trial in any capacity whatever should be aware of their responsibility to see that nothing is done to detract from the proper conduct of the proceedings.

The press of the world is rendering a very great service in giving publicity to the proceedings of the Tribunal, and the Tribunal feels that it may properly ask for the cooperation of all concerned to avoid anything which might conflict with the impartial administration of justice."

* * * * * * *

"The Tribunal understands that the counsel appointed under Article 9 of the Charter are in doubt whether they have been appointed to represent the groups and organizations charged in the indictment as criminal, or to represent individual applicants who have applied to be heard under the said Article. The Tribunal directs that counsel represent the groups and organizations charged and not the applicants.

As the Tribunal has already directed, counsel will be entitled to call as witnesses representative applicants and may also call other persons, whose attendance may be ordered by the Tribunal. Applications to call any witness must be made in the ordinary way.

The evidence of such witnesses and the arguments of counsel must be confined to the question of the criminal nature of the group or organization. Counsel will not be entitled to call evidence or to discuss any question as to the individual responsibility of particular applicants, except insofar as this may bear upon the criminal character of the organization.

Counsel will be permitted as far as possible to communicate with applicants in order to decide what witnesses they wish to apply to call."

* * * * * * *

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"The Chief Prosecutor for the United States has requested the Tribunal to make a change in its formal order which provided that only such portions of documents which are read in the Court would be admitted as evidence. In order to meet the needs, so far as possible, of the members of the Tribunal, of the Prosecution, and of Counsel for the Defendants, to have before them all of the evidence in the case, the Tribunal, have carefully considered the request, makes the following order:

All documents may be filed in Court, The Tribunal shall only admit in evidence, however:

1. Documents or portions of documents which are read in Court;

2. Documents or portions of documents which are cited in Court, on the condition that they have been translated into the respective languages of the members of the Tribunal for their use; and that sufficient numbers in German are filed in the Information Center for the use of Defense Counsel.

This does not apply to the documents of which the Court will take judicial notice in accordance with Article 21 of the Charter, and the prosecution and the defendants will be at liberty to read those documents or to refer to them without reading them.

Trial briefs and document books may be furnished to the Tribunal if sufficient copies thereof are, at the same time, filed for Defense Counsel in the Information Center. As far as possible, these should be furnished in advance of their introduction in Court. In order to permit the Interpretation and Translation Division to make translations in time, it is suggested that all documents be submitted to the Division at least five days before they are to be offered in evidence."

* * * * * * *

The Tribunal has passed upon a number of applications for witnesses. Some of these have been granted, subject to their evidence being relevant; some have been declined; and in some cases orders have been made that the witness be alerted, i. e., that, if he can be located, he be advised to hold himself in readiness to come here as a witness if the application is granted.

It is the desire of the Tribunal to secure for the defendants those witnesses who are material and relevant to their defense. To prevent the unnecessary prolonging of the trial, however, it is clear that witnesses whose testimony is irrelevant or merely cumulative should not be summoned.

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At the conclusion of the prosecution's testimony, the Tribunal shall hear from defendant's counsel as to which of the witnesses, granted or alerted, they think necessary to bring here to testify. At that time the Tribunal may hear from them further as to any witnesses that have been declined, if, in view of the case, it then appears to the Tribunal that the testimony of such witnesses is material and not cumulative.

DEFENDANTS AS WITNESSES

Counsel appearing for any defendant may question any other defendant as to any relevant matter and may interrogate him as a witness for that purpose. If the other defendant takes the stand in his own behalf, the right shall be exercised at the conclusion of his testimony.

EXAMINATION OF WITNESSES CALLED BY OTHER DEFENDANTS

The same person has been asked as a witness by a number of defendants in some cases. It is only necessary that such witness be called to the stand once. He may then be interrogated by counsel for any defendant as to any material matter."

* * * * * * *

Presentation of "Germanization and Spoliation" concluded by Captain Harris. (1556)

Presentation of "Leadership Corps of the Nazi Party" commenced by Colonel Storey. (1575)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0039

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, December 18, 1945

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "Leadership Corps of the Nazi Party" continued by Colonel Storey. (1649)

Presentation of "Plunder of Art Treasures" by Colonel Storey. (1665)

Showing of Still pictures from Exhibit USA 388 (2522-PS) on the screen. (1684)

Presentation of "Leadership Corps of the Nazi Party" concluded by Colonel Storey. (1689)

Presentation of "The Reich Cabinet" by Colonel Storey. (1732)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0040

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, December 19, 1945.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "Criminality of the Sturmabteilungen (The SA)", concluded by Colonel Storey. (1747)

Presentation of "Die Schutzstaffein (The SS)", commenced by Major Farr. (1787)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0041

INTERNATIONAL MILITARY TRIBUNAL

Thursday, December 20, 1945.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "Die Schutzstaffein (The SS)" , concluded by Major Farr.

(1836-89)

Presentation of "Die Geheime Staatspolizei (Gestapo) and Die Sicherheitsdienst (SD)", commenced by Colonel Storey. (1889)

Adjourned until Wednesday, January 2, 1946, at 10:00 o'clock.

H5172 - 0042

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, January 2, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "Die Geheime Staatspolizei (Gestapo) and Die Sicherheitsdienst (SD)", concluded by Colonel Storey. (1922-62)

Motion to postpone the trial against Kaltenbrunner individually submitted by Dr. Kaufmann. (1963)

Colloquy between The Tribunal and counsel. (1965)

The President said:

"The Tribunal will now hear the evidence which the Prosecution desires to call, and insofar as it consists of oral testimony, the Tribunal will afford counsel for Kaltenbrunner the opportunity of cross-examining the witnesses, so-called, at a later stage if he wishes to do so." (1966)

Motion to postpone further discussion against SS and SD, submitted by Dr. Babel. (1966)

The President ruled that opportunity to cross-examine witnesses testifying against the SS and SD would be afforded at a later date. (1968)

Presentation of the case against Kaltenbrunner individually commenced by Lt. Harris. (1969)

Dr. Kaufmann moved to strike Exhibit USA 515 (2753-PS), Affidavit of Hoellriegl. (1982)

The President said:

"The Tribunal is of the opinion that the affidavit, which is upon a relevant point, upon a material point, is evidence which ought to be admitted under Article 19 of the Charter, but they will consider any motion which counsel for Kaltenbrunner may think fit to make for cross examination of the witness who made the affidavit if he is available and could be called." (1983)

Presentation of the case against Kaltenbrunner individually continued by Lt. Harris. (1983)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0043

INTERNATIONAL MILITARY TRIBUNAL

Thursday, January 3, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of the case against Kaltenbrunner individually concluded by Lt. Harris. (1997)

Testimony of the witness Ohlendorf. (2001)

Testimony of the witness Wisliceny. (2055)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0044

INTERNATIONAL MILITARY TRIBUNAL

Friday, January 4, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Testimony of the witness Schellenberg. (2080)

Testimony of the witness Koellriegl. (2095)

Presentation of "General Staff and High Command" commenced by Colonel Taylor. (2102)

Adjourned until Monday, January 7, at 10:00 o'clock.

H5172 - 0045

INTERNATIONAL MILITARY TRIBUNAL

Monday, January 7, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "General Staff and High Command" continued by Colonel Taylor. (2172)

Testimony of Eric von dem Bach-Zelewski. (2219)

Presentation of "General Staff and High Command" concluded by Colonel Taylor. (2244-46)

Presentation of "Suppression of Christian Churches in Germany and in Occupied Territories" commenced by Colonel Wheeler. (2246)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0046

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, January 8, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "Suppression of Christian Churches in Germany and in Occupied Territories" concluded by Colonel Wheeler. (2258-75)

Presentation of "Aggression as a basic Nazi Idea" and extracts from Mein Kampf by Mr. Elwyn-Jones. (2275)

Statement as to the presentation of the cases against the individual defendants by Sir David Maxwell-Fyfe. (2287)

Opening statement in presentation of cases against individual defendants, with reference to disposition of Ley, Krupp, Sauckel, Speer and Kaltenbrunner by Mr. Albrecht. (2290)

Presentation of "The Individual Responsibility of Defendant Hermann Goering for Crimes against the Peace, War Crimes and Against Humanity", by Mr. Albrecht. (2293)

Presentation of the case against Joachim von Ribbentrop commenced by Sir David Maxwell-Fyfe. (2332)

Adjourned until tomorrow at 10:00 o'clock.

H5172 – 0047

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, January 9, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of the case against Joachim von Ribbentrop concluded by Sir David Maxwell-Fyfe. (2356)

Colloquy between the President and counsel. (2383)

Presentation of the cases against "William Keitel and Alfred Jodl" by Mr. Roberts. (2391)

Presentation of the case against Alfred Rosenberg commenced by Mr. Brudno. (2413)

Adjourned until tomorrow at 10:00 o'clock.

H5172 – 0048

INTERNATIONAL MILITARY TRIBUNAL

Thursday, January 10, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of the case against Alfred Rosenberg concluded by Mr. Brudno. (2448-50)

Presentation of the case against Hans Frank by Lt. Colonel Baldwin. (2450)

Presentation of the case against Julius Streicher by Lt. Colonel Griffith-Jones. (2486)

Presentation of "The Individual Responsibility of Defendant Hjalmar Schacht" commenced by Lt. Bryson. (2528)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0049

INTERNATIONAL MILITARY TRIBUNAL

Friday, January 11, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "The Individual Responsibility of defendant Hjalmar Schacht" concluded by Lt. Bryson. (2514-72)

Presentation of "The individual Responsibility of the defendant Walter Funk for Crimes Against Peace and Crimes Against Humanity" by Lt. Meltzer. (2572)

Testimony of witness Blala. (2592)

The President announced that there would be no session tomorrow and only a morning session on Monday. (2632)

Adjourned until Monday, January 14th, at 10:00 o'clock.

H5172 - 0050

INTERNATIONAL MILITARY TRIBUNAL

Monday, January 14, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Testimony of witness Blaha. (2636)

Colloquy between the President and counsel (2636)

Presentation of the case against Karl Doenitz commenced by Colonel Phillimore. (2639)

Testimony of witness Heisig. (2669)

The President made the following announcement:

"The Tribunal has been giving careful consideration to the duty imposed upon it by Article 9 of the Charter.

It is difficult to determine the manner in which the representatives of the named organizations shall be permitted to appear in accordance with Article 9, without considering the exact nature of the case presented for the Prosecution.

For this reason, the Tribunal has come to the conclusion that at this stage of the Trial, with many thousands of applications being made, the case for the Prosecution should be defined with more precision that appears in the Indictment.

In these circumstances therefore it is the intention of the Tribunal to invite argument from the Counsel for the Prosecution and for the Defense, at the conclusion of the case by all Prosecutors, in regard to the questions hereinafter set forth.

The questions which need further consideration are as follows:

1. The Charter does not define a criminal organization, and it is therefore necessary to examine the tests of criminality which must be applied and to decide the nature of the evidence to be admitted.

Many of the applicants who have made requests to be heard assert that they were conscripted into the organization, or that they were ignorant of the criminal purposes of the organization, or that they were innocent of any unlawful acts.

It will be necessary to decide whether such evidence ought to be received to rebut the charge of the criminal character of the organization, or whether such evidence ought more properly

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to be received at the subsequent trials under Article 10 of the Charter, when the organizations have been declared criminal, if the Tribunal so decides.

2. The question of the precise time within which the named organization is said to have been criminal is vital to the decision of the Tribunal.

The Tribunal desires to know from the Prosecution at this stage whether it is intended to adhere to the limits of time set out in the Indictment.

3. The Tribunal desires to know, whether in the light of the evidence, any class of persons included within the named organizations should be excluded from the scope of the declaration, and which, if any.

In the Indictment of the Leadership Corps of the Nazi Party, the Prosecution have reserved the right to request that Politische Leiter of subordinate grades or ranks or of other types or classes be exempted from further proceedings without prejudice to other proceedings or actions against them.

Is it the intention of the Prosecution to make any such request? If so, it should be done now.

4. The Tribunal would be glad if the Prosecution would also:

a. Summarize in respect of each named organization the elements which in their opinion justify the charge of being a criminal organization.

b. Indicate what acts on the part of individual defendants, indicted in this trial, in the sense used in Article 9 of the Charter, justify declaring the groups or organizations, of which they are members, to be criminal organizations.

c. Submit in writing a summary of proposed findings of fact as to each organization, with respect to which a finding of criminality is asked.

The Tribunal hopes it is not necessary to say to the Prosecution that it is not seeking to interfere with the undoubted right of the Prosecution to present its case in its own way, in the light of the full knowledge of all the documents and facts which it possesses; but the duty of the Tribunal under Article 9 of the Charter makes it essential at this time to have the case clearly and precisely defined." (2678)

Adjourned at 1:00 p. m. until tomorrow morning at 10:00 o'clock.

H5172 - 0052

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, January 15, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Testimony of witness Moehle. (2681)

Presentation of the case against Karl Doenitz concluded by Colonel Phillimore. (2699-2712)

Presentation of the case against Eric Raeder by Mr. Elwyn Jones. (2712)

Presentation of the case against Baldur von Schirach commenced by Captain Sprecher. (2747)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0053

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, January 16, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of the case against Baldur von Schirach concluded by Captain Sprecher. (2767-80)

Presentation of the case against Martin Bormann by Lt. Lambert (2780)

Presentation of the case against Artur Seyss-Inquart by Lt. Atherton. (2820)

Presentation of the case against Wilhelm Frick by Dr. Kempner. (2846)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0053A

INTERNATIONAL MILITARY TRIBUNAL

Thursday, January 17, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Opening statement for the Republic of France by M. Francois de Menthon. (2807)

Presentation of introduction to first and second phases of the French case, forced labor and economic looting, commenced by M. Edgar Faure. (2941)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0054

INTERNATIONAL MILITARY TRIBUNAL

Friday, January 18, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of introduction to first and second phases of the French case concluded by M. Edgar Faure. (2950-57)

Presentation relating to forced labor in France commenced by M. Herzog. (2958)

The President announced that the Tribunal would sit tomorrow, Saturday, until 1:00 o'clock. (2969)

Presentation relating to forced labor in France continued by M. Herzog. (2969)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0055

INTERNATIONAL MILITARY TRIBUNAL

Saturday, January 19, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation relating to forced labor in France concluded by M. Herzog. (3029-61)

Presentation relating to economic pillage in the occupied countries of Western Europe and the special cases against Denmark, Norway and Holland, commenced by M. Gerthofer. (3061)

Adjourned at 1:00 P.M. until Monday, January 21 at 10:00 o'clock.

H5172 - 0056

INTERNATIONAL MILITARY TRIBUNAL

Monday, January 21, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation relating to "Economic Pillage in the Occupied Countries of Western Europe", concluded by M. Gerthofer. (3071-3129)

Presentation relating to "Economic Pillage of Belgium", commenced by M. Henri Delpech. (3130)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0056A

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, January 22, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation relating to the economic pillage of Belgium concluded by M. Henri Delpech. (3144-65)

Presentation relating to the economic pillage of Luxembourg by M. Delpech. (3165)

Presentation relating to the economic pillage of France by M. Gerthofer. (3169)

Adjourned until 10:00 o'clock tomorrow morning.

H5172 - 0057

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, January 23, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "The Individual Responsibility of Hans Fritzsche for Crimes Against Peace, War Crimes and Crimes against Humanity" by Captain Sprecher. (3212)

Presentation of the case against Franz von Papen commenced by Mr. Harcourt Barrington. (3240)

Dr. Kubuschok objected to the reading of an affidavit of Baron von Schroeder (3337-PS) on the ground that he was available as a witness (3251)

Motion on behalf of Hess that he be permitted to conduct his own defense in view of the incapacity of his counsel, submitted by Dr. Horn. (3255)

The President said:

"The Tribunal will consider the oral application which has just been made to it on behalf of the Defendant Hess.

As to the objection to the affidavit of von Schroeder which was made this morning by counsel for the Defendant von Papen, the Tribunal does not propose to lay down any general rule about the admission of affidavit evidence. But in the particular circumstances of this case, the Tribunal will admit the affidavit in question, but will direct that if the affidavit is put in evidence, the man who made the affidavit, von Schroeder, must be presented, brought here immediately for cross-examination by the defendant's counsel. When I say immediately I mean as soon as possible." (3255)

Mr. Barrington stated that he would not introduce the affidavit. (3255)

Presentation of the case against Franz von Papen concluded by Mr. Barrington. (3273)

Presentation of the case against Constantin von Neurath commenced by Sir David Maxwell-Fyfe. (3273)

Adjourned until 10:00 o'clock tomorrow morning.

H5172 - 0058

INTERNATIONAL MILITARY TRIBUNAL

Thursday, January 24, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of the case against Constantin von Neurath concluded by Sir David Maxwell-Fyfe. (3290-98)

The Present said:

"In view of the motion which was made yesterday by counsel for the defendant Hess, the Tribunal will postpone presentation of the individual case against Hess, and will proceed with the presentation of the case by Counsel for France." (3298)

Presentation relating to atrocities in the West particularly the seizure of hostages, commenced by M. Dubost. (3298)

Adjourned until 10:00 o'clock tomorrow morning.

H5172 - 0059

INTERNATIONAL MILITARY TRIBUNAL

Friday, January 25, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation relating to atrocities in the West continued by M. Dubost. (3353)

Colloquy between the President and counsel on the question of judicial notice. (3353)

The President said:

"The Tribunal is of the opinion that the facts with reference to General Giraud's deportation and the deportation of his family, although they are very probably matters of common knowledge or of public knowledge within the meaning of Article 21, which applies generally to the world.

Of course, if the French Prosecution have governmental documents or reports from France which state the facts with reference to the deportation of General Giraud, the matter assumes a different aspect and if there are such documents the Tribunal will, of course, consider them." (3354)

Dr. Merkel objected to the introduction in evidence of depositions contained in Exhibit R.F. 302 on the ground that they were not made under oath. (3356)

Colloquy between the President and counsel on the question of admissibility of the depositions. (3357)

The President said:

"The Tribunal has considered the arguments which have been addressed to it, and is of the opinion that the document offered by counsel for France is a document of a committee set up for the investigation of war crimes within the meaning of Article XXI of the Charter. The fact that it is not upon oath does not prevent it being such a document within Article XXI, of which the Tribunal is directed to take judicial notice. The question of its probative value would of course be considered under Article XIX of the Charter, and therefore in accordance with Article XIX and Article XXI of the Charter the document will be admitted in evidence, and the objection of counsel for the Gestapo is denied.

The Tribunal would wish that all original documents should be filed with the General Secretary of the Tribunal, and that when they are being discussed in Court the original document should be present in Court at the time." (3362)

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The President announced that the Tribunal would not sit in open session tomorrow. (3378)

The testimony of witness Lampe. (3387)

Presentation continued by M. Dubost. (3402)

Adjourned until Monday, January 28th, at 12:00 o'clock.

H5172 - 0061

INTERNATIONAL MILITARY TRIBUNAL

Monday, January 28, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Testimony of witness Marie Couturier. (3415)

Colloquy between the President and Counsel on the question of the nature of the testimony to be presented by the witness Veith. (3451)

Testimony of witness Veith. (3452)

Colloquy between the President and counsel on the question of affording opportunity for cross-examination at a later date. (3461)

Testimony of witness Du Pont. (3466)

Colloquy between the President and counsel on the question of cross-examination. (3490)

Testimony of witness Boix. (3494)

(Showing of photographs on the screen during testimony of Boix).

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0062

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, January 29, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Colloquy between the President and counsel on the question of detaining certain witnesses so as to afford opportunity for further cross-examination. (3501)

Testimony of witness Boix. (3501)

Colloquy between the President and counsel with reference to supplying defense counsel with complete copies of documents. (3508)

Testimony of witness Cappelen. (3514)

The President suggested that the names of witnesses should be handed up. (3515)

Testimony of witness Roser. (3528)

Testimony of witness Balachowsky. (3545)

Colloquy between the President and counsel on the scope of direct examination. (3548)

Presentation relating to concentration camps continued by M. Dubost. (3573)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0063

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, January 30, 1946.

Present: All of the Members of the Tribunal and their Alternates.

The President stated that the witness Marie Couturier should remain in attendance. (3585)

Presentation relating to concentration camps continued by M. Dubost. (3585)

Colloquy between the President and counsel on the question of authenticity of documents. (3590)

Presentation continued by M. Dubost. (3592)

(The Tribunal retired for consultation). (3599)

The President said:

"Mr. Dubost, the Tribunal has been considering the question of the evidence which you have presented on the concentration camps, and they are of opinion that you have proved the case for the present, subject of course, to any evidence which may be produced on behalf of the defendants, and of course subject also to your right under Article 24-E of the Charter to bring in rebutting evidence, should the Tribunal think it right to admit such evidence. They think, therefore, that it is not in the interests of the trial, which the Charter directs should be an expeditious one, that further evidence should be presented at this stage on the question of concentration camps, unless there are any particular new points about the concentration camps to which you have not yet drawn our attention; and, if there are such points, we should like you to particularize them before you present any further evidence upon them." (3599)

Presentation relating to war prisoners commenced by M. Dubost. (3601)

The President said:

"I have an announcement to make.

When the attention of the Tribunal was called by the Defendant Hess to the absence of his counsel, the Tribunal directed that the presentation of the individual case against Hess be postponed, so that counsel could be present when it was presented. So far as the cross-examination of witnesses who testified to matters affecting the general case and not against Hess specifically is concerned, it is the view of the Tribunal that the cross-examination conducted by counsel representing the defendants equally interested with Hess in this

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feature of the case was sufficient to protect his interests, and the witnesses will therefore not be recalled.

The Tribunal has received a letter from the Defendant Hess dated the 30th of January, 1946, to the effect that he is dissatisfied with the services of counsel who has been appearing for him and does not wish to be represented by him further, but wishes to represent himself.

The Tribunal is of the opinion that having elected, in conformity with Article 16 of the Charter, to be represented by Counsel, the Defendant Hess ought not to be allowed at this stage of the trial to dispense with the services of counsel and defend himself. The matter is of importance to the Tribunal, as well as to the Defendant, and the Tribunal is of the opinion that it is not in the interests of the Defendant that he should be unrepresented by counsel.

The Tribunal has therefore appointed Dr. Stahmer to represent the Defendant Hess, in place of Dr. Rohrscheidt." (3607)

Colloquy between the President and counsel on the question of authenticity of documents. (3610)

Colloquy between the President and counsel on the manner of offering documents in evidence. (3620)

Dr. Exner objected to the introduction in evidence of Exhibit R.F. 368 (532-PS) and also stated he had not been supplied with proper document books. (3624)

Dr. Nelte objected to the introduction in evidence of document 668, and was advised that the Tribunal would take notice of his criticism in the absence of a satisfactory explanation by the French Prosecutor. (3628)

The Tribunal ruled that document No. 532-PS) should be stricken insofar as it is in the record. (3631)

Colloquy between the President and counsel on question of verification and certification of documents. (3631)

Presentation relating to war prisoners continued by M. Dubost (3636)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0065

INTERNATIONAL MILITARY TRIBUNAL

Thursday, January 31, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation relating to war prisoners concluded by Mr. Dubost. (3643)

Colloquy between the President and counsel with reference to identifying documents. (3648)

Presentation relating to concentration camp concluded by M. Dubost. (3655)

Presentation relating to terrorist action against patriots commenced by M. Dubost. (3659)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0066

INTERNATIONAL MILITARY TRIBUNAL

Friday, February 1, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Concluding statement by M. Dubost. (3712)

Presentation relating to Germanization commenced by M. Faure (3724)

Colloquy between the President and counsel relative to furnishing documents to defense counsel. (3728)

The President announced that the Tribunal would sit tomorrow from 10:00 o'clock to 1:00 o'clock.

Mr. Dodd informed the Tribunal that the affiant Pfaffenberger was in Nuremberg and available for cross-examination. (3767)

The President stated that the witness should be kept in attendance until Monday to afford an opportunity for cross-examination. (3769)

Testimony of witness Reuter. (3769)

Presentation continued by M. Faure. (3776)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0067

INTERNATIONAL MILITARY TRIBUNAL

Saturday, February 2, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation relating to Germanization continued by M. Faure. (3791)

Testimony of witness Vorrink. (3806)

Presentation contunued by Mr. Faure. (3820)

Adjourned until Monday morning, February 4th, at 10:00 o'clock.

H5172 - 0068

INTERNATIONAL MILITARY TRIBUNAL

Monday, February 4, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Mr. Dodd informed the Tribunal that defense counsel did not desire to cross-examine the affiant Pfaffenberger and he was excused. (3828)

Presentation relating to Germanization continued by M. Faure. (3828)

Testimony of the witness Van der Essen. (3869)

Presentation continued by M. Faure. (3893)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0069

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, February 5, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Motion to strike testimony of witness van der Essen submitted by Dr. Laternser. (3913)

Presentation relating to Germanization continued by M. Faure. (3916)

The President said:

"With reference to the motion which was made before the adjournment by counsel for the General Staff, the opinion of the Tribunal is this.

In the first place the Tribunal is not confined to direct evidence from eye-witnesses because Article 19 provides that the Tribunal shall admit any evidence which it deems to have probative value.

Secondly, there is nothing in Article 21 which makes it improper to call the member of a governmental committee as a witness to give evidence with reference to the governmental committee's report. But the Tribunal considers that if such a witness is called the governmental committee's report must be put in evidence, as a matter of fact, the counsel for the Prosecution have offered to put the committee's report in evidence in this case and not only to do that but also to make available to counsel for Defense the affidavits of witnesses upon which that report proceeded.

Thirdly, there were other matters upon which the witness, Mr. Van der Essen, gave evidence which were altogether outside the report or so it appeared to the Tribunal.

As to the weight which is to be attached to the witness' evidence, that, of course, is a matter which will have to be considered by the Tribunal. It is open to the Defense to give evidence in answer to the evidence of Mr. Van der Essen and also to comment or criticize that evidence and so far as his evidence consisted of his own conclusions drawn from facts which he had seen or evidence which he had heard, the correctness of those conclusions will be considered by the Tribunal, conclusions being matters for the final decision of the Tribunal.

For these reasons the motion of counsel is denied." (3930-1)

Presentation of motion picture film relating to German propaganda by M. Fuster. (3932)

Presentation continued by M. Faure. (3943)

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Colloquy between the President and counsel on question of identification of documents. (3954)

Presentation concluded by M. Faure. (3980)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0071

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, February 6, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation relating to pillage of works of art by M. Gerthoffer. (3983)

Colloquy between the President and counsel on the question of necessity of evidence to support statements not the subject of judicial notice (3994)

Colloquy between the President and counsel on the question of identification of documents. (4005)

Presentation of cases against the individual defendants commenced by M. Mounier. (4012)

The President stated that technical difficulties would prevent the holding of an afternoon session but indicated that it was the desire of the Tribunal that the French case be concluded tomorrow and also the case against Hess to be presented by the British Delegation. To this counsel agreed. (4016)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0072

INTERNATIONAL MILITARY TRIBUNAL

Thursday, February 7, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation relating to individual defendants generally and to Rosenberg (4019), Sauckel (4028), Speer (4032), Goering (4036), and Seyss-Inquart (4048). (4017)

Colloquy between the President and counsel on the admissibility of evidence. (4042)

Mr. Mounier stated that the cases against individual defendants other than Keitel and Jodl would not be prosecuted. (4053)

Presentation of the cases against Keitel and Jodl commenced by M. Quartre. (4055)

Dr. Nelte objected to the admission in evidence of RF-711 - a summary of an interrogation of General Westhoff. (4068)

The President said:

"The Tribunal allows the objection of Dr. Nelte. It considers that the document which has been submitted is not a Government document within Article 21 of the Charter and is therefore rejected. The Tribunal adheres to the decision which I announced just before we adjourned, namely, that if the Prosecution desired to do so, they can produce the interrogation of which the document submitted to them is a resume, and if they do so, then they must produce the witness, General Westhoff for cross-examination by Defendant's Counsel. And they must also give a copy of the interrogation to the Defendant's Counsel. In the alternative, they can produce and call General Westhoff himself and then, of course, he will be liable to cross-examination by the Defendant's Counsel". (4073)

Presentation concluded by M. Quartre. (4075)

Presentation of the case against the defendant Hess by Lt.-Col. Griffith-Jones. (4075)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0073

INTERNATIONAL MILITARY TRIBUNAL

Saturday, February 9, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "Crimes against Peace" continued by Col. Pokrovsky. (4190)

Adjourned at 11:30 until Monday, February 11th, at 10:00 o'clock.

H5172 - 0074

INTERNATIONAL MILITARY TRIBUNAL

Monday, February 11, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "Crimes against Peace" continued by Col. Pokrovsky (4229)

Col. Pokrovsky was permitted to withdraw the original of Exhibit USSR 288 upon his undertaking to substitute a photostatic copy. (4229)

Upon objection by Dr. Nelte to the use in evidence of certain documents the President suggested that the proper course would be to wait until the documents were actually offered. (4231)

Presentation concluded by Col. Pokrovsky. (4231)

Colloquy between the President and defense counsel on the matter of furnishing documents for the use of the defense. (4232)

Presentation of "Aggression against the USSR" commenced by Gen. N. D. Zorya. (4234)

The President said:

> "General Zorya, the Tribunal observes that you are about to read a deposition of General Warlimont, whom the Tribunal understands is in Nurnberg, and the Tribunal considers that, in accordance with the order that it made the other day in another case, in the case of another deposition, if the Defendant's Counsel desired, you ought to be prepared to allow General Warlimont to be submitted to the Defendant's Counsel for cross-examination." (4238)

Dr. Nelte asked for a ruling of the Tribunal on the question of admitting in evidence unauthenticated statements of former German military commanders in lieu of calling them as witnesses, and in particular the Statement of Field Marshal Paulus. (4240)

The President stated that he considered the objection to be met in the event a certified photostat of the documents were presented and the witnesses produced for the purpose of cross-examination. (4241)

Following the noon recess the witness Paulus took the stand.

Testimony of witness Paulus. (4243)

The request of defense counsel that the witness be made available for cross-examination at tomorrow's session granted. (4253)

Dr. Nelte objected to the admission of USSR 149 -Statement of General Mueller. (4255)

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The President said:

" **** the Tribunal has already made a decision which governs this case. They pointed out the other day to Counsel for the Soviet Union that documents which were not identified as authentic documents must be identified as authentic, and the Soviet Prosecutor at that time undertook to certify that all documents which he made use of were certified as authentic documents. If they are not so certified, they will be struck out of the record. That ruling applies to this document.

This document is a document which appears to be a document, a letter or report, to the Government of the Soviet Union, but it doesn't contain on its face any certification showing that it is an authentic document. The Counsel for the Soviet Union said before we adjourned that he undertook, as he had already undertaken --that he undertook to produce a certificate that the document was an authentic document; that is to say, that it was prepared, written, by the person who purported to write it, and in those circumstances, the Tribunal accepts the document provisionally.

If no such certificate is forthcoming, then the document will be stricken from the record." (4256)

" **** We are dealing with witnesses who are scattered all over the globe, and, as we are informed, it is not practical in the Soviet Union for affidavits to be made in such cases, and, therefore, the Tribunal considers that such a document as this falls within Article 19, provided it is an authentic document.

We are affording to the Defendants the greatest assistance in bringing witnesses to this Court, but we can not undertake to bring witnesses from all over the world, upon questions which are very often of very little importance." (4257)

" **** If the witness is in, or in the immediate vicinity of Nurnberg, the Tribunal would think that it was only fair if such a document as this were to be put in evidence, that he should be produced for examination, or cross-examination by the Defendants' Counsel, but we do not understand that the man who wrote this letter is in the vicinity of Nurnberg. We have no reason to think he is, and I am reminding that the Defendants' Counsel can always apply, if they think right, to issue interrogatories which would be put to any such person as this who has written such a document as this". (4257)

Presentation continued by General Zorya. (4258)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0076

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, February 12, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Testimony of Friedrich Paulus (resumed). (4273)

Presentation of "Aggression against the USSR" continued by General Zorya. (4305)

Testimony of Erich Buschenhagen. (4311)

Presentation continued by General Zorya. (4317)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0077

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, February 13, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "Aggression against the USSR" concluded by General Zorya. (4354)

Presentation of "Crimes Committed in Violation of the laws and customs of war relating to the treatment of prisoners of war" commenced by Col. Pokrovsky. (4354)

Dr. Nelte objected to admission of interrogation of General Halder. (4372)

The President said:

"The Tribunal considers that if the interrogation of General Halder is to be used and it has been used, that General Halder must be brought for cross-examination, provided it is true that he is in Nurnberg.

When a witness is called he is liable to cross-examination and the only reason for allowing interrogations to be used is on account of the difficulty of bringing witnesses to Nurnberg. Therefore, if an interrogation is allowed to be used and the witness is in Nurnberg, the witness must be produced for cross-examination, I mean of course, at a time which is convenient to counsel.

Colonel Pokrovsky, if this witness, General Halder, is in Nurnberg, you will have him brought here at a time which is convenient to you during the presentation of your case". (4373)

Same objection and ruling on the admission of the interrogation of General Warlimont. (4374)

Presentation continued by Col. Pokrovsky. (4375)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0078

INTERNATIONAL MILITARY TRIBUNAL

Thursday, February 14, 1946.

Present: All of the Members of the Tribunal and their Alternates.

The President said:

"The Tribunal will sit in open session on Saturday morning at 10:00 o'clock to hear the application of the Defendants' counsel for an adjournment. They will hear one counsel on either side, that is to say, one counsel for the Prosecution and one counsel for the Defense, for 15 minutes. After that open session the Tribunal will adjourn into closed session upon procedural matters." (4423)

Presentation of crimes relating to treatment of prisoners of war continued by Col. Pokrovsky. (4423)

Dr. Nelte objected to the admission in evidence of USSR 129 (interrogation of Dr. Wengler) on the ground that he should be produced as a witness. (4443)

The President said:

"The Tribunal will allow the deposition to be put in evidence, should the Soviet prosecutor decide to do so. If the document is put in evidence, the Tribunal will desire that the prosecutor should secure the attendance of the deponent as a witness for cross-examination. If the prosecution are unable to secure the attendance of the deponent as a witness, then the Tribunal will itself attempt to securethe attendance of the deponent as a witness for cross-examination." (4447)

Col. Pokrovsky stated the interrogation would not be submitted. (4448)

Presentation continued by Col. Pokrovsky. (4448)

Presentation of "War Crimes Against the Peaceful Populations of the USSR, Yugoslavia, Poland and Czechoslovakia" commenced by Col. L. N. Smirnov. (4466)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0079

INTERNATIONAL MILITARY TRIBUNAL

Friday, February 15, 1946.

Present: All of the Members of the Tribunal and their Alternates.

The President announced that the Tribunal would not sit tomorrow in open session to consider the question of an adjournment but that argument on that question would be entertained on Monday morning at 10:00 o'clock. (4293)

Presentation of "War Crimes Against the Peaceful Populations of the USSR, Yugoslavia, Poland and Czechoslovakia" continued by Col. Smirnov. (4293)

Dr. Kaufmann objected to the reading in evidence of the records of a court martial. (USSR Exhibit 102).

The President ruled that the objection was unfounded. (4295)

Presentation continued by Col. Smirnov. (4295)

Adjourned until Monday, February 18, at 10:00 o'clock.

H5172 - 0080

INTERNATIONAL MILITARY TRIBUNAL

Monday, February 18, 1946.

Present: All of the Members of the Tribunal and their Alternates.

The President said:

"I have an announcement to make and I make it in this order, in the form of paragraphs.

Paragraph 1: The Tribunal cannot accept paragraph 1 of the prosecution's motion as to the evidence of the defendants, dated 11 February 1946, but directs that in compliance with Article 24-D of the Charter, counsel for defendants shall confine their evidence to what is required for meeting the charges in the Indictment.

The Tribunal will announce later their decision with regard to paragraphs 2 to 5 of the prosecution's motion.

Paragraph 2: With regard to the naming of witnesses, etc. by the defense under Article 24-D of the Charter, which is referred to in paragraph 1 of Dr. Stahmer's memorandum to the Tribunal dated 4 February 1946, the Tribunal makes the following order:

In order to avoid delay in securing the attendance of witnesses and procuring of documents, and without prejudice to the defendant's right to make further application at the conclusion of the case for the prosecution, counsel for the defendant Goering, Hess, Ribbentrop and Keitel shall, before 5 p.m. on Thursday, the 21st of February, file with the General Secretary written statements giving the names of the witnesses and particulars of the documents they respectively desire to call or put in evidence, with a summary of the facts to be proved thereby and an exposition of the relevance thereof.

The Tribunal hereby appoints Saturday, the 23rd of February, at 1000 hours--that is to say, 10 o'clock --for the hearing of argument upon such statements in open session.

Paragraph 3: The Tribunal will, in due course, issue directions as to the filing of similar statements on behalf of the other defendants and the hearing of argument thereon.

Paragraph 4: The Tribunal will announce later their decision on the other matters raised in Dr. Stahmer's memorandum.

The Tribunal will now hear the defendants' counsel's application for a recess." (4363-4)

Presentation of "War Crimes Against the Peaceful Populations of the USSR, Yugoslavia, Poland and Czechoslovakia" continued by Col. Smirnov. (4374)

Showing of photographs of executions, etc. on the screen. (4005)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0081

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, February 19, 1946.

Present: All of the Members of the Tribunal and their Alternates.

The President said:

"The Defense motion for a recess cannot be granted. When a recess at Christmas was decided upon the Tribunal informed the Defense Counsel that no further recess would be granted.

As Counsel for the Prosecution has pointed out, Defense Counsel have already had several months in which to prepare their defenses to a case which depends principally upon documents in the German language, written by the defendants themselves or their associates. They have also had constant assistance from the Tribunal and the Prosecution in connection with documentary evidence and witnesses.

The Tribunal has observed that many of the Defense Counsel have already found it possible, quite properly, to absent themselves from Court and the Tribunal sees no reason why some of the time which must elapse for the conclusion of the case for the Prosecution should not be utilized in preparation of their defenses out of Court.

The Tribunal therefore decides that at the conclusion of the Prosecution case against the individual defendants, the argument on the groups or organizations alleged to be criminal shall take place and that thereafter applications for documents and witnesses by those defendants whose witnesses and documents have not already been decided upon shall be heard in open session. In this way several days will be occupied in which many of the Defense Counsel can be absent from Court and they can prepare their defenses out of Court." (4624)

Presentation of "War Crimes Against the Peaceful Populations of the USSR, Yugoslavia, Poland and Czechoslovakia" continued by Col. Smirnov. (4624)

Presentation of the film "Atrocities by the German-Fascist Aggressors". (4673)

Presentation concluded by Col. Smirnov. (4673)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0082

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, February 20, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "Spoliation and Plunder of Private, Public and National Property" commenced and concluded by General L. R. Sheynin. (4675)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0083

INTERNATIONAL MILITARY TRIBUNAL

Thursday, February 21, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "The Destruction and Plunder of Cultural and Scientific Treasures, Cultural Institutions for Public Welfare, Churches and Other Ecclesiastical Establishments" commenced by General Raginsky. (4746)

Presentation of the film "Destruction of Works of Art and of Museums of National Culture Perpetrated by the Germans on the Territory of the USSR. (4800)

Presentation concluded by General Raginsky. (4806)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0084

INTERNATIONAL MILITARY TRIBUNAL

Friday, February 22, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Presentation of "The Destruction of Cities, Towns and Villages, Industry, Transportation and Communications" commenced by General M.Y. Raginsky. (4813)

Dr. Seidl objected to the reading in evidence of an interrogation of von dem Bach-Zelewsky, (Exhibit USSR 313) unless the witness were produced for cross-examination. (4829)

The evidence (USSR 313) was withdrawn and ordered stricken insofar as it had been put on the record. (4830)

Presentation of German film showing the destruction of Lidice. (4836)

Presentation continued by General Raginsky. (4837)

Presentation of film showing destruction of towns and villages in the USSR. (4840)

Testimony of witness Orbeli. (4841)

Presentation concluded by General Raginsky. (4848)

Presentation of "Slave Labor", by General N. D. Zorya. (4848)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Saturday, February 23, 1946.

Present: All of the Members of the Tribunal and their Alternates.

The President announced the order on Dr. Stahmer's motion of February 4, 1946, and the Prosecution's motion of February 11, 1946, as follows:

"The Tribunal makes no order with regard to paragraphs 2 to 5 of the Prosecution's motion as to evidence of defendants, dated 11 Feb. 46. With regard to paragraphs II to VII of Dr. Stahmer's memorandum on defence procedure dated 4 Feb. 1946, the Tribunal makes the following order:

1. The defendants' cases will be heard in the order in which the defendants' names appear in the Indictment.

2. (a) During the presentation of a defendant's case, defendants' counsel will read documents, will question witnesses and will make such brief comments on the evidence as are necessary to ensure a proper understanding of it.

(b) The defendant's counsel may be assisted in the Court Room by his associate counsel or by another defendant's counsel. Such other counsel may help the defendant's counsel in handling documents, etc. but shall not address the Tribunal or examine witnesses.

3. Documentary Evidence.
(a) Defendant's counsel will hand to the General Secretary the original of any document which he offers in evidence, if the original is in his possession. If the original is in the possession of the Prosecution, counsel will request the Prosecution to make the original of the document available for introduction into evidence. If the Prosecution declines to make the original available, the matter shall be referred to the Tribunal.
(b) Should the original of any such document be in the possession of the Tribunal, defendant's counsel will hand to the General Secretary a copy of the whole or relevant part of such document together with a statement of the document number and the date upon which it was received in evidence.
(c) Should counsel wish to offer in evidence a document the original of which is not in his possession or otherwise available to the Tribunal, he will hand to the General Secretary a copy of the whole or relevant part of such document together with an explanation as to where and in whose possession the original is located and the reason why it cannot be produced. Such copy shall be certified as being correct by an appropriate certificate.

4. Each defendant's counsel will compile copies of the documents or parts of documents which he intends to offer in evidence into a document book, and six copies of such document book will be submitted to the General Secretary two weeks, if possible, before the date on which the presentation of the defendant's case is likely to begin. The General Secretary will arrange for the translation of

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the document book into the English, French and Russian languages, and the defendant's counsel will be entitled to receive one copy of each of these translations.

5. (a) Defendant's counsel will request the General Secretary to have the witnesses named by him and approved by the Tribunal available in Nuremberg, such request being made if possible at least three weeks before the date on which the presentation of a defendant's case is likely to begin. The General Secretary will as far as possible have the witnesses brought to Nuremberg one week before this date.
(b) Defendant's counsel will notify the General Secretary not later than noon on the day before he wishes to call each witness.

6. (a) A defendant who does not wish to testify cannot be compelled to do so, but may be interrogated by the Tribunal at any time under Articles 17 (b) and 24 (f) of the Charter.
(b) A defendant can only testify once.
(c) A defendant who wishes to testify on his own behalf shall do so during the presentation of his own defence. The right of defence counsel and of the Prosecution under Article 24 (g) of the Charter to interrogate and cross-examine a defendant who gives testimony shall be exercised at that time.
(d) A defendant who does not wish to testify on his own behalf but who is willing to testify on behalf of a co-defendant may do so during the presentation of the case of the co-defendant. Counsel for other co-defendants and for the Prosecution shall examine and cross-examine him when he has concluded his testimony on behalf of the co-defendant.
(e) Subparagraphs (a), (b), (c) and (d) do not limit the power of the Tribunal to allow a defendant to be recalled for further testimony in exceptional cases, if in the opinion of the Tribunal the interest of justice so requires.

7. In addition to the addresses of each defendant's counsel under Article 24 (h), one counsel representing all the defendants will be permitted to address the Tribunal on legal issues arising out of the Indictment and the Charter which are common to all defendants, but in making such address he will be held to strict compliance with Article 3 of the Charter. This address will take place at the conclusion of the presentation of all the evidence on behalf of the defendants, but must not last more than half a day. If possible, a copy of the written text of the address should be delivered to the General Secretary in time to enable him to have translations made into the English, French and Russian languages.

8. In exercising his right to make a statement to the Tribunal under Article 24 (j), a defendant may not repeat matters which have already been the subject of evidence or have already been dealt with by his counsel when addressing the court under Article 24 (h), but will be limited to dealing with such additional matters as he may consider necessary before the judgment of the Tribunal is delivered and sentence pronounced.

9. The procedure prescribed by this order may be altered by the Tribunal at any time if it appears to the Tribunal necessary in the interest of justice."

(4885-6 7-8)

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The President proposed that the procedure in dealing with applications for witnesses and documents should be as follows:

> " * * * the procedure which the Tribunal proposes to adopt is to ask Counsel for the Defendant whose case is being dealt with to deal, in the first instance, with his first witness, and then to ask Counsel for the Prosecution to reply upon that witness. Then, when that has been done, to ask Defendant's Counsel to deal with his second application for a witness, and then for the Prosecution Counsel to deal with that witness; that is to say, to hear the Defendant's Counsel and the Prosecution Counsel upon each witness in turn.
>
> That procedure will probably not be necessary when the Tribunal comes to deal with documents. Probably it will be more convenient for Defendant's Counsel to deal with the documents together and prosecuting counsel to deal in answer to the documents together. But, so far as the witnesses are concerned, each will be taken in turn." (4888-9)

Dr. Horn moved that the Prosecution should not be afforded an opportunity at this time to oppose offers of proof on the ground that that privilege had not been accorded the defense. (4889)

The President ruled that the motion could not be granted and stated the reasons for the practice. (4891)

Colloquy between the President and counsel on the question of objections to admissibility and relevancy of evidence. (4892)

Hearing on application of defendant Goering for witnesses and documents. (4894)

Dr. Exner addressed the Tribunal on the question of reprisals. (4919)

Dr. Siemers requested clarification of the rule as to admission of evidence to be submitted by the defense and the President replied. (4921)

General Rudenko addressed the Tribunal on the question of reprisals. (4923)

The President said:

> "Before the Tribunal adjourns, as it will, I want to say that the next four defendants on the Indictment are required to name their witnesses and the subject matter of their evidence, and the documents and the relevance of the documents, by Wednesday next at 5:00 p.m. The Tribunal will hold a similar session to the session it has been holding this morning with reference to the defense of these defendants on Saturday next at 10:00 o'clock". (4924)

Following the recess the President stated:

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"With reference to the pronouncement that I made this morning, the Tribunal may hear the applications for witnesses and documents of the Defendants Kaltenbrunner, Rosenberg, Frank, and Frick, before Saturday. That will depend upon the progress of the case. I have already stated that those applications must be deposited with the General Secretary by 5 o'clock P.M. on Wednesday.

Secondly, all the Defendants other than the first eight named in the Indictment must make application naming their witnesses and the relevance of their evidence, and the documents and the relevancy of the documents, by Friday, next at 5 P.M.

Thirdly, the Tribunal will sit in closed session on Monday next at 4 P.M." (4925)

Mr. Dodd addressed the Tribunal on the question of reprisals. (4925)

Hearing on application of defendant Hess for witnesses and documents. (4927)

Hearing on application of defendant Ribbentrop for witnesses and documents. (4937)

Colloquy between General Rudenko and the President as to the future course of the Soviet presentation and as to witnesses Halder and Warlimont. (4943)

Adjourned until Monday, February 25, at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Monday, February 25, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Hearing on the application of defendant Ribbentrop for witnesses and documents continued. (4945)

Colloquy between the Tribunal and counsel on the question of the time when the alleged conspiracy began and as to when defendant Ribbentrop became a party thereto, and as to the responsibilities of the individual defendants who joined after the beginning of the conspiracy. (4962)

Hearing on the application of defendant Keitel for witnesses and documents. (4977)

Colloquy between the President and counsel on the use by the defense of documents already in evidence and as to documents in the possession of the French delegation not submitted. (4983)

Presentation of "Crimes against Humanity" commenced by Col. L. N. Smirnov. (4993)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Tuesday, February 26, 1946.

Present: All of the Members of the Tribunal and their Alternates.

The President announced the decision of the Tribunal in the matter of the witnesses Halder and Warlimont. (5009)

Presentation of "Crimes against Humanity" continued by Col. Smirnov. (5010)

Testimony of witness Grigoriev. (5016)

Testimony of witness Vlacha. (5033)

The President said:

"The Tribunal has made its decision upon the witness and documents to be called and produced on behalf of the first four defendants and that decision will be communicated as soon as possible this afternoon to caounsel for those defendants and will also be posted in the Defendants' Information Center.

Secondly, an application was made sometime ago by the Chief Prosecutor for France with reference to the calling of two additional witnesses. The Tribunal would wish that if it is desired to call any witnesses after closing the case on behalf of any of the chief prosecutors, that a written application should be made to the Tribunal for the calling of such witnesses and the Tribunal also desires me to draw the attention of Counsel for the Prosecution and Counsel for the Defense to the terms of Article 24, Subsection (e), which refers to rebutting evidence. In the event of Counsel for the Prosecution or Counsel for the Defense wish to call rebutting evidence, when the proper time comes after the case for the Prosecution and the Defense has been closed, such application to call rebutting evidence must be made to the Tribunal in writing." (5044)

Sir David Maxwell-Fyfe reported on the edition of the"Daily Telegraph" requested by Dr. Horn. (5044)

Dr. Nelte advised that defense counsel desired witnesses Halder and Warlimont called during the course of defendants' case. (5045)

Testimony of witness Vlacha. (Resumed) (5045)

Presentation continued by Col. Smirnov. (5047)

Colloquy between The Tribunal and counsel on the admissibility of Exhibit USSR 413 (UK-48), report on the shooting of fifty RAF officers. (5050)

The Tribunal ruled that the document should be admitted and that Generals Westhoff and Wieland referred to therein should be summoned. (5056)

Colloquy between the President and Dr. Kraus on the question of the form of affidavits for the defense. (5056)

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Colloquy between the President and counsel as to the availability of Generals Westhoff and Wieland. (5057)

Presentation continued by Col. Smirnov. (5059)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Wednesday, February 27, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Sir David Maxwell-Fyfe explained the sourse of the document UK-48 (USSR Exhibit 413). (5066)

Presentation of "Crimes against Humanity" continued by Col. Smirnov. (5067)

Testimony of witness Suzkover. (5068)

Testimony of witness Severina Shmaglevskaja. (5088)

The President directed defense counsel to decide as to when they desired the witnesses Westhoff and Wieland called. (5096)

Testimony of witness Rajzman. (5097)

Testimony of witness Lomakin. (5108)

Colloquy between the President and counsel as to when Exhibit USSR (UK-48) should be read. (5114)

Dr. Nelte informed the Tribunal that the defense desired the witnesses called during the defense of Keitel and that it was agreed that the document should be read after the argument concerning the organizations. (5117)

Testimony of witness Lomakin. (Resumed). (5118)

Presentation concluded by Col. Smirnov. (5123)

Mr. Dodd formally offered in evidence certain documents. (5123)

Motion to strike certain matter theretofore read into the record granted. (5128)

Colloquy between the President and counsel on matters pertaining to the argument concerning the organizations. (5132)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Thursday, February 28, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Motion of Dr. Horn for a reconsideration of his application to call the witness Winston Churchill granted. (5130)

Argument on questions relating to the organizations commenced by Mr. Justice Jackson (5130); continued by Sir David Maxwell-Fyfe (5167); by M. Champetier de Ribes (5177); by General Rudenko (5181); by Dr. Kubuschok, counsel for the Reichsregierung (5186); by Dr. Servatius, counsel for the Leadership Corps (5196); and by Dr. Merkel, counsel for the Gestapo (5200).

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Friday, March 1, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Argument on questions relating to the organizations continued by Dr. Loeffler, counsel for the SA (5211; by Dr. Babel, counsel for the SS and SD (5227); by Dr. Laternser, counsel for the General Staff and OKW (5240); by Mr. Justice Jackson (5249); and by Sir David Maxwell-Fyfe (5274).

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Saturday, March 2, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Argument on questions relating to the organizations continued by General Rudenko (5291); by Dr. Dix, counsel for defendant Schacht (5297); by Dr. Seidl, counsel for defendant Frank (5300); by Dr. Servatius, counsel for the Leadership Corps (5301); by Dr. Kubuschok, counsel for the Reichs Government (5305); by Dr. Laternser, counsel for the General Staff and OKW (5310); by Sir David Maxwell-Fyfe (5313); and concluded by Mr. Dodd (5314).

Adjourned until Monday, March 4th, at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Monday, March 4, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Col. Smirnov read extracts from Exhibit USSR 413, and in answer to the President's inquiry advised that that concluded the case for the Soviet Prosecution. (5316)

Upon objection by Dr. Nelte that copies of the documents referred to in the report (Exhibit USSR 413) had not been put at his disposal the President directed that the entire document be furnished. (5223)

Dir David Maxwell-Fyfe in response to an inquiry by the President advised that the Prosecution had concluded their case. (5324)

Hearing of the application of defendant Kaltenbrunner for witnesses and documents. (5324)

Hearing of the application of defendant Rosenberg for witnesses and documents. (5338)

Hearing of the application of defendant Frank for witnesses and documents. (5351)

Hearing of the application of defendant Frick for witnesses and documents. (5369)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Tuesday, March 5, 1946.

Present: All of the Members of the Tribunal and their Alternates.

The Present said:

"The attention of the Tribunal has been drawn by Dr. Hans Marx, one of the German counsel appearing in this case for the defense, to an article which was published in the newspaper Berliner Zeitung for February 2, under the heading of "A Defense Counsel". The article, which I do not propose to read, criticizes Dr. Marx in the severest terms for an error of his cross examination of a witness, when he deputized for Dr. Babel on behalf of the SS. The article suggested that in asking the question he did, he was behaving most improperly, that he was expressing private and personal views under the guise of acting as counsel, and that his proper course was to remain silent in view of the character of the evidence.

The matter assumes a graver aspect still because the article goes on to threaten Dr. Marx with complete ostracism in the future and does so in language both violent and intimidating.

The Tribunal desires to say in the plainest language that such conduct cannot be tolerated. The right of any accused person to be represented by counsel is one of the most important elements in the administration of justice. Counsel is an officer of the Court and he must be permitted freely to make his defense without fear from threats or intimidations. In conformity with the express provisions of the charter, the Tribunal was at great pains to see that all the individual defendants and the named organizations should have the advantage of being represented by counsel, and the defense counsel have already shown the great service they are rendering in this trial, and their conduct in this regard should certainly not leave them open to reproach of any kind from any quarter.

The Tribunal itself is the sole judge of what is proper conduct in court and will be zealous to insure that the highest standard of professional conduct is maintained. Counsel, in discharge of their duties under the Charter, may count upon the fullest protection which it is in the power of the Tribunal to afford. In the present instance the Tribunal does not think that Dr. Marx in any way exceeded his professional duty.

The Tribunal regards the matter as one of such importance in its bearing on the due administration of justice that they have asked the Control Council for Germany to investigate the facts and to report to the Tribunal". (5376-7)

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Hearing on application of defendant Streicher for witnesses and documents. (5377)

Hearing on application of defendant Funk for witnesses and documents. (5386)

Hearing on application of defendant Schacht for witnesses and documents. (5390)

(Recess)

The President said:

"I have one or two announcements to make. In the first place, the application which has been made on behalf of the defendants for a separate trial of the organizations named under Articles 9 and 10 of the Charter is denied.

Secondly, with reference to the application made on behalf of counsel for the defendant Bormann, the Tribunal have considered that the application dated February 23, 1946, by Dr. Bergold, counsel for the defendant Bormann, in which he asks that Bormann's case should be heard last, at the end of the case of all the other defendants, the Tribunal have decided to grant this application.

The Tribunal also ruled that the hearing of Dr. Bergold's applications, on behalf of Bormann, for witnesses and documents, in accordance with Article 24-D, shall not take place at the present time when the Tribunal are hearing the applications of all the other defendants, but at a later date to be fixed within the next three weeks.

Thirdly, with reference to the business of the Tribunal, the Tribunal will sit in closed session after the conclusion of the applications on behalf of the four defendants who are being heard today. Tomorrow, the Tribunal will continue the applications on behalf of the next four defendants; and on Thursday, the Tribunal will hear the case on behalf of the Defendant Goering." (5394)

Hearing on application of defendant Schacht (resumed). (5394)

Hearing on application of defendant Doenitz for witnesses and documents. (5398)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Wednesday, March 6, 1946.

Present: All of the Members of the Tribunal and their Alternates.

The President said:

"I desire to announce a slight change in the order of business.

Dr. Stahmer has made a motion in writing, stating that he desired a little more time in the preparation of his documents and for other reasons would be grateful if the case of the defendant Goering did not come on on Thursday, as announced.

The Tribunal realizes that the case of the first defendant to be heard may present some difficulties in getting the documents translated in time. As the Tribunal had announced that they would continue the hearing of the applications for witnesses until they were all completed, they will adhere to this decision. It is anticipated that this will give Dr. Stahmer one day more, but at the conclusion of the hearing of the applications for witnesses, the case of the defendant Goering will come on without delay.

The Tribunal wishes to make it quite clear that no further applications for delay or postponement on the part of the defendants will be entertained, save in the most exceptional circumstances."

(5409)

Hearing of application of defendant Raeder for witnesses and documents.

(5410)

Hearing of application of defendant von Schirach for witnesses and documents.

(5431)

Hearing of application of defendant Sauckel for witnesses and documents.

(5442)

Hearing of application of defendant Jodl for witnesses and documents.

(5458)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Thursday, March 7, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Hearing of application of defendant von Papen for witnesses and documents. (5467)

Hearing of application of defendant Seyss-Inquart for witnesses and documents. (5477)

Hearing of application of defendant Speer for witnesses and documents. (5483)

Hearing of application of defendant von Neurath for witnesses and documents. (5494)

Hearing of application of defendant Fritzsche for witnesses and documents. (5504)

Hearing of supplementary application of defendant Hess for witnesses and documents. (5500)

Hearing of supplementary application of defendant Sauckel for documents. (5509)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Friday, March 8, 1946.

Present: All of the Members of the Tribunal and their Alternates.

The President said:

"I have three announcements to make.

First, to avoid unnecessary translations, Defense Counsel shall indicate to the Prosecution the exact passages in all documents which they propose to use, in order that the Prosecution may have an opportunity to object to irrelevant passages. In the event of disagreement between the Prosecution and the Defense as to relevancy of any particular passage, the Tribunal will decide what passages are sufficiently relevant to be translated. Only the cited passages need be translated, unless the Prosecution require translation of the entire document.

Second, the Tribunal has received an application from Dr. Nelte, Counsel for the defendant Keitel, inquiring whether a defendant, in order to support his memory, may make use of written notes while giving oral evidence. The Tribunal sanctions the use of written notes by the defendant in those circumstances , unless in special cases the Tribunal orders otherwise.

Third, cases have arisen where one defendant has been given leave to administer interrogatories to or obtain an affidavit from a witness who will be called to give oral evidence on behalf of another defendant. If the witness gives his oral evidence before the case is heard in which the interrogatory or affidavit is to be offered, Counsel in the latter case must elicit the evidence by oral examination, instead of using the interrogatory or affidavit." (5514)

Application of defendant Goering for additional witnesses and documents. (5517)

Presentation of the defense of defendant Goering commenced by Dr. Stahmer. (5519)

Mr. Justice Jackson objected to the reading of certain documents which he stated had been excluded as irrelevant and the President cautioned defense counsel against reading any documents which had been denied by the Tribunal. (5522-3)

Testimony of von Bodenschatz. (5524)

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The President said:

"The Tribunal has observed that the witness is using notes while giving his evidence. The ruling which I announced this morning was confined to the defendants and did not extend to witnesses. Nevertheless, the Tribunal will allow the same rule to be applied to witnesses. The evidence must not be read, the crux of the rule being merely to assist the recollection in giving evidence."

The President announced there would be no open session tomorrow. (5549)

Testimony of witness von Bodenschatz (resumed). (5549)

Testimony of witness Erhard Milch. (5570)

Adjourned until Monday, March 11, at 10 o'clock.

H5172 - 0103

INTERNATIONAL MILITARY TRIBUNAL

Monday, March 11, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Testimony of witness Erhard Milch (resumed). (5589)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0104

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, March 12, 1946.

Present: All of the Members of the Tribunal and their Alternates.

Testimony of witness von Brauchitsch. (5684)

Testimony of witness Koerner. (5700)

Testimony of witness Kesselring (5729)

Colloquy between the President and counsel on the admissibility of evidence involving violations of International Law by other nations. (5746)

(Recess)

The Tribunal ruled the questions inadmissible. (5750)

Testimony of witness Kesselring (resumed). (5750)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0105

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, March 13, 1946

Present: All of the Members of the Tribunal and their Alternates.

The President announced that the Tribunal had made an order with respect to further proceedings on the charge against Organizations and the applications of members thereof.

ORDER

" 1. The Tribunal directs that Counsel for the Defendant Organizations shall be entitled to visit any Civilian Internment Camp, Prisoner of War Camp, Prison or Enclosure, or other place where members of the Organizations are to be found in the four zones of occupation of Germany and from which applications under Article 9 of the Charter have been received, for the purpose of selecting witnesses to be brought to Nurnberg to give evidence on the criminal or non-criminal character of the accused Organizations.

2. An Officer shall be appointed to accompany Defense Counsel to Camps or other places whose duty shall be to ensure that Defense Counsel are afforded access to members of accused Organizations interned or at liberty and that subject to security regulations they shall receive facilities for consultation with any persons they may desire to select as witnesses and he shall render every assistance that may permit a free and unfettered selection. In addition the said officer shall have power to control and limit as directed by the Tribunal the number of witnesses to be brought to Nurnberg.

3. In the selection of such witnesses the Tribunal directs that Counsel for the Defense shall have regard only to the choice of persons possessing knowledge of matters relevant to the criminal or non-criminal character of the Organizations as provided in paragraph 6 hereunder.

4. When these persons have been brought to Nurnberg Counsel shall have free access to them for the purpose of ascertaining which if any of them Counsel desire to call as witnesses before the Tribunal and which if any of them they desire to examine before a Commissioner. At such examination before a Commissioner Counsel for the Defense and for the Prosecution shall have the usual rights of examination, cross-examination, and re-examination and evidence taken shall be recorded by the Commissioner. The Commissioner shall be Lt. Colonel Neave and he shall have power to hear evidence in Nurnberg or in exceptional cases elsewhere at his discretion and shall recommend to the Tribunal suitable persons to be appointed Assistant Commissioners if the necessity should arise.

This Order shall be carried out under the direction of Lt. Colonel A.M.S. Neave, in collaboration with the Office of the General Secretary and subject to necessary security regulations.

(80)

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5. After such selection of oral witnesses and examination of other persons Counsel may apply to the Tribunal for leave to call the selected oral witnesses and to offer the evidence of the persons examined provided that their evidence is relevant and not cumulative. Counsel shall also be entitled to apply to the Tribunal to send interrogatories in appropriate cases.

6 (a) In this proceeding evidence is considered to be relevant which bears upon the following issued:

(1) Whether the Organization or group charged consisted substantially of an aggregation of persons sharing a general common purpose to engage in activity defined as criminal under Article 6 of the Charter, and, in this connection, what the aims, tasks, activities, methods, structure and component parts of the Organization were;

(2) Whether membership in the Organization or group was generally voluntary or the result of physical compulsion or legal decree;

(3) Whether the purposes or activities of the Organization or group, defined as criminal under Article 6 of the Charter, were open and notorious or otherwise generally known to the members, so that its membership in general may justly be held to have had knowledge of them at some relevant time.

(b) Evidence is not considered to be relevant in this proceeding which bears only on whether a particular individual was a voluntary or involuntary member or whether he was or was not ignorant of criminal purpose and innocent of criminal activity.

(c) While the Tribunal has concluded that evidence may be taken bearing on the issues defined in paragraph 6(a) hereof, it reserves its judgment as to the materiality of each of these issues in the determination of the criminality of groups or Organizations under Article 9 of the Charter.

7. Nothing in this Order shall affect the rights of the Prosecution or Defense under Article 24 (E) of the Charter."

Testimony of witness Kesselring (resumed). (5755)

Dr. Stahmer requested leave to recall the witness at a later date on the ground that the Prosecution on cross-examination had raised questions of fact unknown to him. (5803.)

The President ruled that the witness must be re-examined now with leave to make written application to recall the witness at a later stage. (5803)

Dr. Stahmer stated that at present he had no more questions. (5804)

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Testimony of defendant Goering. (5805)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Thursday, March 14, 1946

Present: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Goering (resumed). (5843)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Friday, March 15, 1946

Present: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Goering (resumed). (5920.)

Mr. Justice Jackson questioned the relevancy of testimony as to action taken by partisans. (5926.)

Colloquy between the President and counsel as to the admissibility of evidence involving the question of reprisals. (5926.)

(Recess)

The President said:

"The Tribunal rules that the evidence is admissible on the question of reprisals, and the weight that should be given this or similar evidence will be reserved for future consideration." (5932.)

Testimony of defendant Goering (resumed). (5932.)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Saturday, March 16, 1946

Present: All of the Members of the Tribunal and their Alternates.

Leave granted Dr. Stahmer to recall Goering following the examination of the witness Dahlerus. (5983)

Testimony of defendant Goering (resumed). (5983)

The Tribunal ruled as inadmissible an affidavit of Goering entitled "Description of the Character of Field Marshal Keitel". (5999)

Adjourned until Monday, March 18th, at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Monday, March 18, 1946

Present: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Goering (resumed) (6023)

Leave granted to interpose testimony of the witness Dahlerus tomorrow. (6054)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Tuesday, March 19, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of the witness Dahlerus. (6092)

The President said:

"Before the witness goes on with his evidence, the Tribunal wants me to say that the system by which the earphones are connected with the interpreters was checked over after the Court rose last night, was checked over again at 9:30 this morning, and again at 9:55 this morning. But everyone who comes into this Court must realize that it has not been possible to bury these cables so as to make them altogether safe. It is, therefore, of the very greatest importance that everybody who comes into this Court should take real care to avoid, if possible treading upon these cables, which may become injured by being kicked and broken, and in that way the faults in the system occur.

Everything is being done to maintain the system as efficiently as possible. It, therefore, rests with those who use this Court to see that they do their best to assist in keeping the system efficient." (6095)

Testimony of defendant Goering (resumed). (6140)

Colloquy between the President and counsel as to the introduction of documents during cross examination not previously submitted to defense counsel. (6152)

The Tribunal ruled that it was not necessary to submit the documents to the defense beforehand but that at the time the witness was cross-examined on the document a copy should be handed defendant's counsel. (6155)

Mr. Justice Jackson requested that the witness be directed to answer his questions directly. (6157)

The President said:

"I have already explained, on several occasions, that it is the duty of Defendants when they are in the witness-box, and the duty of witnesses, to answer questions directly, if they are capable of being answered directly in the affirmative or in the negative, and if they have any explanations to make afterwards they can make it, after answering the question directly." (6157)

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Mr. Justice Jackson requested that the witness be requested to answer questions and reserve explanations for his counsel to bring out. (6161)

The President said:

"I have already laid down the general rule which is binding upon this Defendant as upon other witnesses." (6161)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Wednesday, March 20, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Colloquy between The President and Mr. Justice Jackson in the matter of restricting statements of witnesses on cross-examination. (6162)

The President said:

"Mr. Justice Jackson, the Tribunal considers that the rule which it has laid down is the only possible rule and that the witness must be confined strictly to answering the question directly where the question admits of a direct answer, and that he must not make his explanation before he gives a direct answer, but after having given a direct answer to any question which admits to a direct answer, he may make a short explanation, and that he is not to be confined simply to making the direct answer yes or no and leaving the explanation until his counsel puts it to him in redirect examination." (6166)

Testimony of defendant Goering (resumed). (6167)

Leave granted defendant Ribbentrop to absent himself from tomorrow's session for the purpose of consulting counsel. (6184)

Leave granted defendant Hess to absent himself from the afternoon session for the purpose of preparing his defense. (6202)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Thursday, March 21, 1946

Present: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Goering (resumed). (6250)

Dr. Stahmer objected to use of affidavits on cross-examination on ground that parties are available and was informed that he could make application to call them as defense witnesses. (6263)

Dr. Stahmer objected to the use of Document No. D-728 (GB Exhibit 282) on the ground that the document did not appear genuine. (6292)

The President ruled that the document was admissible but that defense counsel could produce any evidence they thought right to challenge its authenticity. (6292)

The Tribunal recessed to consider a request by Sir David Maxwell-Fyfe to put to the witness an account by defendant Raeder as to his general character and reputation. (6298)

The Tribunal ruled that at the present stage of the trial the document could not be used in cross-examination. (6301)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 -0116

INTERNATIONAL MILITARY TRIBUNAL

Friday, March 22, 1946

Present: All of the Members of the Tribunal and their Alternates.

Dr. Servatius requested that Document D-728 (Exhibit GB 282) be retranslated and that the opinion of an expert on German language be obtained to determine its origin. He was advised to put the latter request in writing. (6343)

Testimony of defendant Goering (resumed). (6343)

Colloquy between the President and counsel as to the manner of re-examination. (6352)

Dr. Stahmer informed the Tribunal as to the course he wished to follow in the future conduct of the case. (6356)

Mr. Justice Jackson suggested that in view of the fact that defense documents had been translated into all four languages the necessity for reading them no longer prevailed. (6358)

Colloquy between The Tribunal and counsel. (6358)

(Recess)

The President said:

"In considering the matters which have been raised this morning, the Tribunal has had in mind the necessity for a fair trial and at the same time for an expeditious trial, and the Tribunal has decided that for the present it will proceed under rules heretofore announced; that is to say:

First, documents translated into the four languages may be introduced without being read but in introducing them, counsel may summarize them or otherwise call their relevance to the attention of the Court and may read such brief passages as are strictly relevant and are deemed important.

Second, when a document is offered, the Tribunal will hear any objections that may be offered to it and in this connection, I would refer to the rule which the Tribunal made on the 8th of March 1946, which reads as follows:

'To avoid unnecessary translations, Defense Counsel shall indicate to the prosecution the exact passages in all documents which they propose to use (6377)

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in order that the prosecution may have an opportunity to object to irrelevant passages. In the event of disagreement between the prosecution and the defense as to the relevancy of any particular passage, the Tribunal will decide what passages are sufficiently relevant to be translated. Only the cited passages need be translated, unless the prosecution require translation of the entire document.'

The Tribunal has allowed the defendant Goering, who has given evidence first of the defendants and who has proclaimed himself to be responsible as the second leader of Nazi Germany, to give his evidence without any interruption whatever and he has covered the whole history of the Nazi regime from its inception to the defeat of Germany.

The Tribunal does not propose to allow any of the other defendants to go over the same ground in their evidence except insofar as is necessary for their own defense.

Defense counsel are advised that the Tribunal will not ordinarily regard as competent evidence, extracts from books or articles expressing the opinions of particular authors on matters of ethics, history, or particular events.

Now, as to tomorrow's business, the Tribunal will sit in open session for the purpose of hearing applications for witnesses and documents, supplementary applications; and after sitting in that open session, the Tribunal will adjourn into a closed session." (6377)

Presentation of the defense of defendant Goering continued by Dr. Stahmer. (6379)

Objection to reading of excerpts from "White Book" of German Foreign Office published in 1941, sustained on the ground that the evidence could not be justified under the doctrine of reprisals and was therefore irrelevant. (6394)

Objection to admission in evidence of an unsolicited telegram sustained. (6403)

Presentation of the defense of defendant Hess commenced by Dr. Seidl. (6407)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Saturday, March 23, 1946

Present: All of the Members of the Tribunal and their Alternates.

Hearing of supplemental applications for witnesses and documents. (6411)

Adjourned until Monday, March 25, 1946, at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Monday, March 25, 1946

Present: All of the Members of the Tribunal and their Alternates.

Presentation of the defense of defendant Hess continued by Dr. Seidl. (6431)

Testimony of witness Bohle. (6446)

Testimony of witness Stroelin. (6493)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0120

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, March 26, 1946

Present: All of the Members of the Tribunal and their Alternates.

Presentation of the defense of defendant Hess continued by Dr. Seidl. (6526)

Colloquy between the President and counsel as to the admissibility of documents in Hess Document Book, Volume III, pertaining to the Treaty of Versailles. (6530)

(Recess)

The President said:

"The Tribunal rules that evidence as to the injustice of the Versailles Treaty or whether it was made under duress is inadmissible, and it therefore rejects Volume III of the documents on behalf of the defendant Hess." (6546)

Presentation of the defense of defendant Hess concluded by Dr. Seidl. (6546)

Presentation of the defense of defendant von Ribbentrop commenced by Dr. Horn. (6547)

Colloquy between the President and Dr. Horn as to the manner and order of presenting evidence. (6551)

Testimony of witness von Steengracht. (6567)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0121

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, March 27, 1946

Present: All of the Members of the Tribunal and their Alternates.

Testimoney of witness von Steengracht (resumed.) (6582)

Presentation of the defense of defendant von Ribbentrop continued by Dr. Horn. (6631)

Colloquy between the President and Dr. Horn as to the admissibility of the book "Warning and Prophecies" by Lord Rothermere. (Exhibit No. 45.) (6646)

The President stated The Tribunal would rule on admissibility of Exhibit 45 when translation of extracts are available. (6649)

Colloquy between the President and counsel as to the manner of submitting Ribbentrop documents in view of the fact that the document books had not yet been supplied; and on the question as to their release to the Press before opportunity to object to admission was afforded. (6653)

(Recess)

The President said:

"On the 22nd of March, 1946, the Tribunal made this ruling, repeating a ruling of the 8th of March, 1946.

> 'To avoid unnecessary translations Defense Counsel shall indicate to the Prosecution the exact passages in all documents which they propose to use in order that the Prosecution may have an opportunity to object to irrelevant passages.
>
> 'In the event of disagreement between the Prosecution and the Defense as to the relevancy of any prticular passage, the Tribunal will decide what passages are sufficiently relevant to be translated. Only the cited passages need be translated unless the Prosecution will require translation of the entire document.'

"That rule has not, for very likely sufficient reasons, been able to be carried out and therefore certainly the Tribunal has not got the translations and they understand that the Prosecution have not got, at any rate, all the translations and the difficulty which has arisen the Tribunal think is in part, at any rate, due to that fact.

"The Tribunal, in citing their order of the 8th of March, 1946,

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on the 22nd of March, 1946, said this:

'In considering the matters which have been raised this morning the Tribunal has had in mind the necessity for a fair trial and at the same time for an expeditious trial, and the Tribunal has decided that for the present it will proceed under rules heretofore announced, that is to say:

'First, documents translated into the four languages may be introduced without being read but in introducing them Counsel may summarize them or otherwise call their relevance to the attention of the Court and may read such brief passages as are strictly relevant and are deemed important.

'Second, when a document is offered the Tribunal will hear any objections that may be offered to it.'

"In this connection the Tribunal then went on to read the order of the 8th of March, which deals with translations.

"Now, in the present case, the translations, not being in the hands of the Tribunal or of all the Prosecutors, it has been impossible for the Prosecutors to make their objections and impossible for the Tribunal to rule upon the admissibility of the documents. Therefore, it is natural that the Prosecution have objected to the Defense reading from documents which they had not seen.

"The Tribunal understands that the translations of these documents of Dr. Horn's will be ready tomorrow. They hope, therefore, that the order which I have just read will be able to be carried out tomorrow, and they propose for the present, and if the order is reasonably and fairly carried out by Defense Counsel, to adhere to it. They would draw the attention of the defendants' counsel again to the first paragraph of the order and would remind them that they must adhere strictly to that order. The documents having been translated into the four languages may be introduced without being read but in introducing them counsel may summarize them or otherwise call their relevance to the attention of the Court and may read such brief passages as are strictly relevant and are deemed important. In that connection I would add and are not cumulative.

"The Tribunal cannot sit here and have everyone, as are concerned in this particular defendants' case, three or four hundred documents read to them and commented upon and argued and therefore it is absolutely essential in the opinion of

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the Tribunal that counsel must summarize briefly and indicate the relevance of the documents briefly and only read such passages as are really strictly relevant and are not cumulative.

"The Tribunal are prepared to adhere to that rule, as I say, if counsel will adhere strictly to it themselves, and they think if Dr. Horn will state, after offering the documents either in one complete bulk or in a group or in groups, the relevancy of each group and confine himself to the reading of only passages which are really necessary to be read in order to understand the documents, that will be satisfactory to them. But they cannot sit here to hear either each of these documents offered in evidence by its number or to hear a short speech or even a long speech about the relevancy of each of the documents or to hear passages read from each of those documents. The number of documents is very great and it is impossible for the Tribunal to carry on an expeditious trial unless the rule which they have laid down is interpreted in the way in which I have indicated.

"As I have already indicated in the emphasis which I threw upon the words, this rule was expressly made for the present and unless it is worked by the Defense Counsel in a reasonable way the rule will be altered." (6664)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Thursday, March 28, 1946

Present: All of the Members of the Tribunal and their Alternates.

Presentation of defense of defendant von Ribbentrop continued. (6667)

Testimony of witness (Miss) Blank. (6670)

General Rudenko objected to testimony relating to a secret agreement between Germany and Russia. (6676)

(Recess)

The Tribunal ruled the testimony admissible. (6679)

Testimony of witness Schmidt. (6682)

Testimony of defendant Ribbentrop. (6720)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Friday, March 29, 1946.

Present: All of the Members of the Tribunal and their Alternates.

The President said:

"Before the examination of defendant von Ribbentrop goes on the Tribunal desires me to draw the attention of Dr. Horn and of the defendant von Ribbentrop to what the Tribunal has said during the last few days.

In the first place the Tribunal said this: The Tribunal has allowed the defendant Goering, who has given the evidence first of the defendants and who has proclaimed himself to be responsible as the second leader of Nazi Germany, to give his evidence without any interruption whatever, and he has covered the whole history of the Nazi regime from its inception to the defeat of Germany. The Tribunal does not propose to allow any of the other defendants to go over the same ground in their evidence except in so far as is necessary for their own defense.

Secondly, the Tribunal ruled that evidence as to the injustice of the Versailles Treaty or whether it was made under duress is inadmissible.

Thirdly, though this isn't in order of the Tribunal, I must point out that the Tribunal has been informed on many occasions of the view of the defendants and some of their witnesses that the Treaty of Versailles was unjust and therefore any evidence upon that point apart from its being inadmissible is cumulative, and the Tribunal will not hear it therefore for that reason.

And lastly, the Tribunal wishes me to point out to Dr. Horn that it is the duty of counsel to examine their witness and not to leave them simply to make speeches, and if they are giving evidence which counsel knows is inadmissible according to the ruling of the Tribunal it is the duty of counsel to stop the witness. That is all." (6728)

Testimony of defendant Ribbentrop (resumed.) (6729

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Saturday, March 30, 1946

Present: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Ribbentrop (resumed.) (6792)

Colloquy between The President and counsel as to the method of dealing with Ribbentrop documents. (6826)

Adjourned until Monday, April 1, at 10:00 o'clock.

H5172-0127

INTERNATIONAL MILITARY TRIBUNAL

Monday, April 1, 1946

Present: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Ribbentrop (resumed.) (6833)

Objection of General Rudenko to questions pertaining to affidavit of Dr. Gauss overruled. (6833)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0128

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, April 2, 1946.

PRESENT: All of the Members of the Tribunal and their Alternates.

The President (1) directed that copies of documents used during examination of witnesses by the Prosecution be furnished the interpreters and; (2) urged defense counsel to be more prompt in submitting documents for translation. (6955)

The President announced that The Tribunal would not sit on Good Friday (April 19th), the Saturday afterwards, nor on Easter Monday. (6996)

Hearing on objections to Ribbentrop documents. (6996)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0129

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, April 3, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

The President announced the ruling of the Tribunal on the admissibility of Ribbentrop's documents. (7017)

Leave granted Dr. Horn to present documents later. (7019)

Presentation of the defense of defendant Keitel commenced by Dr. Nelte. (7020)

Testimony of defendant Keitel. (7020)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0130

INTERNATIONAL MILITARY TRIBUNAL

Thursday, April 4, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Keitel (resumed.) (7073)

The President announced that the Tribunal would hold a closed session at 5:00 P. M. today to discuss with counsel for the defense and the Prosecution the problem of translating defendants' documents. (7125)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Friday, April 5, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Keitel (resumed.) (7133)

The President said:

"The Tribunal will sit in open session tomorrow morning at 10 o'clock. At 1230 it will take supplementary applications for witnesses and documents, and at a quarter to one it will adjourn into a closed session." (7190)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0132

INTERNATIONAL MILITARY TRIBUNAL

Saturday, April 6, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Keitel (resumed.) (7212)

Hearing of supplemental applications for witnesses and documents. (7253)

Adjourned until Monday, April 8, at 10:00 o'clock.

H5172 - 0133

INTERNATIONAL MILITARY TRIBUNAL

Monday, April 8, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Keitel (resumed.) (7261)

Testimony of witness Lammers. (7296)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0134

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, April 9, 1946.

PRESENT: All Members of the Tribunal and their Alternates.

Mr. Justice Jackson informed the Tribunal that he considered it necessary that he deny the facilities of his office for the mimeographing of defense documents because of abuses in that regard. (7355)

Colloquy between the President and counsel. (7357)

The President said:

"The Tribunal have come to the conclusion that it will save time if the Defendants are called first as the first witness in the case of each Defendant; and, therefore, in the future the Defendant must be called first unless there are some exceptional reasons, in which case Defendant's Counsel may apply to the Tribunal and the Tribunal will consider these reasons for calling the Defendant in some position later than first witness." (7376)

Testimony of witness Lammers (resumed.) (7376)

Colloquy between the President and counsel with regard to the calling of witnesses Westhoff and Wielen. (7455)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0135

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, April 10, 1946.

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of witness Lammers (resumed.) (7459)

Testimony of witness Westhof. (7462)

Testimony of witness Wielen. (7505)

Presentation of defense of Keitel concluded.

Dr. Horn resumed the submission of documents on behalf of defendant Ribbentrop. (7519)

Colloquy between the President and counsel on the status of Rosenberg documents. (7545)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Thursday, April 11, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Dr. Sauter signified his agreement to the suggestion that the defense of Schacht precede that of Funk. (7549)

Presentation of defense of defendant Kaltenbrunner commenced by Dr. Kauffmann. (7549)

Testimony of defendant Kaltenbrunner. (7561)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0137

INTERNATIONAL MILITARY TRIBUNAL

Friday, April 12, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of defendant Kaltenbrunner(resumed.) (7643)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0138

INTERNATIONAL MILITARY TRIBUNAL

Saturday, April 13, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of defendant Kaltenbrunner (resumed.) (7741)

Colloquy between the President and counsel on the introduction in evidence by the Prosecution of correspondence between defense counsel and the Mayor of Oranienburg. (7755)

The Tribunal ruled the correspondence inadmissible. (7760)

Hearing on admissibility of Rosenberg documents. (7770)

Adjourned until Monday, April 15, at 10:00 o'clock.

H5172 - 0139

INTERNATIONAL MILITARY TRIBUNAL

Monday, April 15, 1946

PRESENT: All Members of the Tribunal and their Alternates.

The President announced the ruling of the Tribunal on Rosenberg's documents. (7784)

Testimony of witness Hoess. (7785)

Testimony of witness Neubacher. (7821)

Presentation of the defense of Kaltenbrunner concluded. (7840)

Hearing on admissibility of Schacht's documents. (7840)

The President announced the Tribunal's ruling on the translation of Schacht's documents. (7853)

Presentation of the defense of defendant Rosenberg commenced by Dr. Thoma. (7853)

Testimony of defendant Rosenberg. (7853)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0140

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, April 16, 1946

PRESENT: All Members of the Tribunal and their Alternates, except Mr. Justice Birkett.

Testimony of defendant Rosenberg (resumed.) (7873)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Wednesday, April 17, 1946

PRESENT: All Members of the Tribunal and their Alternates, except Mr. Justice Birkett.

Testimony of defendant Rosenberg (resumed.) (7965)

Testimony of witness Riecke. (8052)

Presentation of defense of Rosenberg concluded. (8066)

Hearing on supplemental applications for witnesses and documents. (8068)

Hearing on admissibility of Sauckel's documents. (8075)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0142

INTERNATIONAL MILITARY TRIBUNAL

Thursday, April 18, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Presentation of defense of defendant Frank commenced by Dr. Seidl. (8082)

Testimony of defendant Frank. (8083)

Testimony of witness Bilfinger. (8143)

Testimony of witness von Burgsdorf. (8153)

Adjourned until Tuesday, April 23, at 10:00 o'clock.

H5172-0143

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, April 23, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of witness Buehler. (8165)

The President said:

"The Tribunal has heard with the depest regret of the death of Chief Justice Harlan F. Stone of the Supreme Court of the United States of America. His loss will be most deeply felt in America where he had proved himself to be a great public servant. But it is fitting that this Tribunal, upon which the representatives of the United States sit, should express its sympathy with the American people in their great loss.

After serving as Dean of the Law School of Columbia University he was appointed Attorney General of the United States in 1923 and two years later he became an Associate Justice of the Supreme Court. In 1941 he became Chief Justice and discharged the duties of that high office with great ability and in accordance with the highest traditions.

The Tribunal desires that I should express its sympathy in acknowledgment of the great loss the American people have sustained.

Mr. Justice Jackson, the Chief Prosecutor of the United States, is a member of the Supreme Court over which the Chief Justice presided and perhaps he would like to add a few words." (8210)

Mr. Justice Jackson responded as follows:

"May it please the Tribunal:

It is not only because he was the head of the judicial system of the United States that the news of the passing of Chief Justice Stone brings sadness to every American heart in Nurnberg but because he was the personal friend of so many of us. He had a rare capacity for personal friendship. No one was more kind and thoughtful of younger men who from time came to Washington and they found in him guide, philosopher and friend.

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"Now, I know that notonly do I feel the loss of a personal friend but that the American representatives to the Tribunal, Mr. Biddle and Judge Parker, feel the same way and many of the younger men on the staff had intimate contact with the Chief Justice which you might not expect if you had not known Harlan Stone.

As Attorney General he took over the Department of Justice at one of its most difficult periods and imparted to it the impress of his integrity, an impress which stayed with it and was traditional in the department, as we all know.

As a Justice of the Court he was a forward-looking man, open-minded, always patient to hear the arguments of both sides and to arrive at his decision with that complete disinterestedness and detachment which is characteristic of the just judge. He presided with great fairness and with kindness to his associated and to those who appeared before him.

I It is the passing of a man who exemplified in public life those sturdy qualities which we have come to associate with the New Englander.

The consolation of his friends lies in this: He died exactly as he would have chosen to die, in full possession of his faculties and in the discharge of his duties.

I express great appreciation that this Tribunal has seen fit to take note of his passing and to allow us to record on behalf of the American Bar our appreciation of his talents and character." (8210)

Testimony of witness Buehler (resumed.) (8213)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0145

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, April 24, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Presentation of the defense of defendant Frank concluded by Dr. Seidl. (8261)

Presentation of the defense of defendant Frick commenced by Dr. Pannenbecker. (8287)

Dr. Pannenbecker stated that he would forego the calling of the defendant Frick as a witness. (8287)

Testimony of witness Gisevius. (8301)

Colloquy between The President and counsel concerning a conversation between Dr. Stahmer and Dr. Dix relative to suppression of testimony. (8314)

The President said:

"Mr. Justice Jackson, the Tribunal wish me to say that it anticipates that you will put any questions which you think necessary with relation to the alleged intimidation of the witness when you come to cross-examine." (8323)

Testimony of witness Gisevius (resumed.) (8323)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0146

INTERNATIONAL MILITARY TRIBUNAL

Monday, April 29, 1946.

PRESENT: All Members of the Tribunal and their Alternates.

Statement by Dr. Marx concerning attacks by the Press. (8505)

Testimony of defendant Streicher (resumed.) (8506)

Testimony of witness Herrwerth (8589)

Testimony of (Mrs.) Streicher. (8599)

Adjourned until tomorrow morning at 9:30 o'clock.

H5172 - 0147

INTERNATIONAL MILITARY TRIBUNAL

Friday, April 26, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of witness Gisevius (resumed.) (8431)

Leave granted General Alexandrov to cross-examine the witness on behalf of the Soviet Prosecution. (8454)

Objection to scope of cross-examination by Dr. Laternser and ruling. (8494)

Presentation of defense of defendant Frick concluded by Dr. Pannenbecker. (8485)

Presentation of defense of defendant Streicher commenced by Dr. Marx. (8486)

Testimony of defendant Streicher. (8486)

Statement by defendant Streicher regarding conduct of his defense and reply by Dr. Marx. (8487)

Adjourned until Monday morning, April 29, at 10:00 o'clock.

H5172-0148

INTERNATIONAL MILITARY TRIBUNAL

Thursday, April 25, 1946.

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of witness Gisevius (resumed.) (8342)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0149

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, April 30, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Hearing on admissibility of von Schirach's documents for purpose of translation, and supplemental application for witnesses. (8606)

Motion to expunge from the record certain testimony of defendant Streicher (pages 8494, 8495, 8496, and 8549) submitted by Mr. Justice Jackson. (8613)

The President said:

"The passages to which Mr. Justice Jackson has drawn our attention are in the opinion of the Tribunal highly improper statements laid by the defendant Streicher. They are, in the opinion of the Tribunal, entirely irrelevant, and they have been admitted by counsel for the defendant Streicher to be entirely irrelevant, and they will, therefore, be expunged from the record." (8614)

Testimony of witness Strobel. (8614)

Leave granted Dr. Marx to supplement Streicher document book providing application for documents desired is submitted in the usual manner. (8620)

Testimony of witness Hiemer. (8623)

Testimony of witness Wurzbacher. (8634)

Presentation of defense of defendant Streicher concluded. (8640)

Presentation of defense of defendant Schacht commenced by Dr. Dix. (8640)

Testimony of defendant Schacht. (8640)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0150

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, May 1, 1946

PRESENT: All Members of the Tribunal and their Alternates.

The President announced the ruling of the Tribunal as to the translation of von Schirach's documents. (8697)

Testimony of defendant Schacht (resumed.) (8698)

Hearing on admissibility of Raeder's documents for purpose of translation. (8744)

Testimony of defendant Schacht (resumed.) (8760)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0151

INTERNATIONAL MILITARY TRIBUNAL

Thursday, May 2, 1946.

PRESENT: All Members of the Tribunal and their Alternates.

Colloquy between the President and counsel regarding Raeder's documents. (8787)

The President announced the ruling of the Tribunal as to the translation of Raeder's documents. (8788)

Leave granted the British Prosecution to substitute photostatic excerpts for the originals of the newspaper "Israelitsches Wochenblatt" which had been offered in evidence. (8789)

Testimony of defendant Schacht (resumed.) (8789)

Colloquy between the President and counsel as to the admissibility of Schacht Exhibit 32 and the exhibit was withdrawn. (8818)

Adjourned until tomorrow morning at 10:00 o'clock.

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INTERNATIONAL MILITARY TRIBUNAL

Friday, May 3, 1946.

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of defendant Schacht (resumed.) (8884)

Showing of news-reel film of Hitler's return to Berlin after the fall of France. (8911)

Testimony of witness Vorke. (8946)

Presentation of the defense of defendant Schacht concluded. (8984)

Presentation of the defense of defendant Funk commenced by Dr. Sauter. (8984)

Testimony of defendant Funk. (8984)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0153

INTERNATIONAL MILITARY TRIBUNAL

Saturday, May 4, 1946.

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of defendant Funk (resumed.) (8988)

Adjourned until Monday morning, May 6, at 10:00 o'clock.

H5172 - 0154

INTERNATIONAL MILITARY TRIBUNAL

Monday, May 6, 1946.

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of defendant Funk (resumed.) (9016)

Objection by Dr. Sauter to the reading of an affidavit of Puhl (3944-PS) overruled. (9100)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0155

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, May 7, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of defendant Funk (resumed.) (9103)

Showing of film taken by Allied Forces exhibiting material found in vaults of the Reichsbank at Frankfurt alleged to have been deposited by the SS. (9108)

Testimony of defendant Funk (resumed.) (9108)

Leave granted to call Emil Puhl as a witness for defendant Funk. (9156)

Testimony of witness Heiler. (9157)

Presentation of defense of defendant Funk concluded. (9170)

Leave granted defendant Schirach to absent himself from the sessions of the Tribunal in order to prepare his defense. (9171)

Presentation of the defense of defendant Doenitz commenced by Dr. Kranzbuehler. (9172)

Objection by Colonel Pokrovsky to interpretation placed on documents by Dr. Kranzbuehler. (9176)

Colloquy between the President and counsel as to a hearing on the question of admissibility of Doenitz documents. (9177)

Objections to documents stated by Sir David Maxwell Fyfe. (9181)

Colloquy between the President and Dr. Kranzbuehler as to the method of submitting Doenitz documents. (9188)

Adjourned until tomorrow morning at 9:30 o'clock.

H5172 - 0156

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, May 8, 1946.

PRESENT: All Members of the Tribunal and their Alternates.

Argument by Dr. Kranzbuehler on the relevancy of Doenitz documents. (9190)

The President announced the ruling of the Tribunal in the matter of the admissibility of Doenitz documents. (9213)

Testimony of defendant Doenitz. (9214)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0157

INTERNATIONAL MILITARY TRIBUNAL

Thursday, May 9, 1946.

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of defendant Doenitz (resumed.) (9241)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0158

INTERNATIONAL MILITARY TRIBUNAL

Friday, May 10, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of defendant Doenitz (resumed.) (9326)

Objection by Dr. Kranzbuehler to reference to Doenitz documents by the Prosecution prior to their submission in evidence overruled. (9385)

Objection by Dr. Kranzbuehler to offer in evidence of an unsolicited letter (D-842) from widow of a former German Submarine commander sustained. (9398)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0159

INTERNATIONAL MILITARY TRIBUNAL

Saturday, May 11, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Presentation of defense of defendant Doenitz continued. (9432)

Hearing of supplemental applications for witnesses and documents. (9453)

Adjourned until Monday, May 13, at 10:00 o'clock.

H5172 - 0160

INTERNATIONAL MILITARY TRIBUNAL

Monday, May 13, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Presentation of defense of defendant Doenitz continued. (9469)

Testimony of witness Wagner. (9478)

Leave granted to put questions to the witness as to the credibility of the witness Heisig over objection of counsel for the prosecution. (9497)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0161

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, May 14, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of witness Wagner (resumed.) (9549)

The President announced the ruling of the Tribunal on pending applications for witnesses and documents. (9571)

Testimony of witness Wagner (resumed.) (9572)

Testimony concerning treatment of German sabotage troops ruled inadmissible. (9583)

Testimony of witness Godt. (9585)

Testimony of witness Hessler. (9620)

Question as to use in final argument by Dr. Kranzbuehler of documents concerning contraband, refused as evidence, reserved for decision at time of closing argument. (9631)

Presentation of the defense of defendant Doenitz concluded. (9631)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0162

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, May 15, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of witness Puhl. (9632)

Colloquy between The President and defense counsel concerning an order of the Internal Security Division forbidding handing of documents in court to defendants whose individual cases have been concluded. (9673)

The President said:

"The Tribunal is of the opinion that any document which is handed to the defendants' counsel may be handed to the defendant themselves by the counsel and that it does not make any difference that a particular defendant's case has been closed with reference to that rule." (9676)

Presentation of defense of defendant Raeder commenced by Dr. Siemers. (9677)

Leave granted defendant Sauckel to absent himself from the sessions of the Tribunal from May 16 to 18, for the purpose of preparing his defense. (9684)

On suggestion of Mr. Dodd it was ordered the the witness Puhl be brought to the court room in order that he might hear the testimony of the witness Thoms. (9684)

Testimony of witness Thoms. (9684)

Testimony of witness Puhl (recalled.) (9705)

Testimony of defendant Raeder (resumed.) (9708)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0163

INTERNATIONAL MILITARY TRIBUNAL

Thursday, May 16, 1946.

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of defendant Raeder (resumed.) (9726)

Motion by Dr. Siemers that document 1014-PS (USA 30) be stricken from the record. Motion denied. (9782) (9786)

Argument on admissibility of Raeder documents objected to by the Prosecution. (9788)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0164

INTERNATIONAL MILITARY TRIBUNAL

Friday, May 17, 1946

PRESENT: All Members of the Tribunal and their Alternates.

The President announced the ruling of the Tribunal as to the admissiblity of Raeder's documents. (9808)

Statement by Mr. Dodd as to the origin of documents 1014-PS, 798-PS and L-3. (9809)

Testimony of defendant Raeder (resumed.) (9815)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0165

INTERNATIONAL MILITARY TRIBUNAL

Saturday, May 18, 1946.

PRESENT: All Members of the Tribunal and their Alternates.

Hearing on the admissibility of Seyss-Inquart documents. (9868)

Testimony of defendant Raeder (resumed.) (9877)

Adjourned until Monday, May 20, at 10:00 o'clock.

H5172 - 0166

INTERNATIONAL MILITARY TRIBUNAL

Monday, May 20, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of defendant Raeder (resumed.) (9917)

Adjourned until tomorrow morning at 10:00 O'clock.

H5172 - 0167

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, May 21, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of defendant Raeder (resumed.) (10022)

Motion by Dr. Siemers to strike a portion of the affidavit of Dietmann (GB-474.) (10038)

(recess)

The President said:

"The Tribunal has carefully considered Dr. Siemer's application and it has decided that the passage to which he objects and which he asks the Tribunal to strike out in the affidavit of Walter Kurt Dietmann shall not be struck out, in view of Article 19 of the Charter. The passage contains an opinion only, and the Tribunal will consider that opinion in relation to the whole of the evidence when it is before the Tribunal, and will decide at that time the probative value of this opinion as well as the probative value of the other evidence." (10042)

Colloquy between the President and counsel as to the reading of additional portions of Exhibit USSR 460. (10043)

Testimony of witness Severing. (10048)

Colloquy between The President and counsel as to the status of the documents of defendants von Schirach, Sauckel and Jodel. (10068)

Testimony of witness Severing (resumed.) (10072)

Testimony of witness von Weizsaecker. (10089)

Colloquy between The President and counsel as to the admissibility of a document offered by Dr. Seidl. (10099)

(recess)

The President said:

"The Tribunal has been considering whether it ought to put to the witness the document in the possession of Dr. Seidl, but, in view of the fact that the contents of the original have been stated by the witness and by other witnesses and thatit does not appear what is the origin of the document which is in Dr. Seidl's possession, the Tribunal has decided not to put the document to the witness." (10103)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0168

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, May 22, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of witness von Weizaecker (resumed.) (10104)

Testimony of witness Schulte-Moenting. (10118)

Objection by General Rudenko to the admission of personal letters in evidence as Raeder exhibits overruled. (10191)

Presentation of the defense of defendant Raeder (concluded.) (10194)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0169

INTERNATIONAL MILITARY TRIBUNAL

Thursday, May 23, 1946

The President announced the ruling of the Tribunal as to the admissibility of Seyss-Inquart documents. (10195)

Motion by M. Dubost to strike Raeder Document 105 and colloquy between the President and counsel. (10195)

Presentation of the defense of defendant Schirach commenced by Dr. Sauter. (10199)

Testimony of defendant Schirach. (10199)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0170

INTERNATIONAL MILITARY TRIBUNAL

Friday, May 24, 1946

Testimony of defendant Schirach (resumed). (10275)

Adjourned until Monday morning, May 27, 1946, at 10:00 o'clock.

H5172-0171

INTERNATIONAL MILITARY TRIBUNAL

Monday, May 27, 1946

Testimony of defendant Schirach (resumed). (10374)

Colloquy between the President and counsel as to the admissibility of USSR Exhibits 454 and 455. (10418)

(Recess)

The President said:

"The Tribunal will not admit this document at the present time, but it would wish that you should present the original document and at the same time the answers to the interrogatories which the Tribunal has ordered; and the Tribunal will call upon the General Secretary for a report upon the whole matter." (10424)

Testimony of witness Lauterbacher. (10430)

Colloquy between the President and Mr. Dodd as to the relevancy of document D-861 and its admission in evidence refused. (10456)

Testimony of witness Hoepken. (10463)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0172

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, May 28, 1946

Hearing on application of counsel for defendant Bormann for witnesses and documents. (10468)

Testimony of witness Hoepken (resumed). (10474)

The President announced the ruling of the Tribunal on the application of counsel for defendant Bormann for witnesses and documents. (10490)

Testimony of witness Wieshofer. (10490)

Presentation of the defense of defendant Schirach concluded. (10510)

Presentation of the defense of defendant Sauckel commenced by Dr. Servatius. (10513)

Testimony of defendant Sauckel. (10513)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0173

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, May 29, 1946

Mr. Dodd reported on the status of the documents pertaining to defendants Jodl, Seyss-Inquart, von Papen, Speer, von Neurath, and Fritzsche. (10550)

Colloquy between the President and Dr. Servatius relative to witnesses and documents. (10551)

Testimony of defendant Sauckel (resumed). (10554)

Leave granted defendant von Papen to absent himself from the sessions of May 30 in order to prepare his defense. (10596)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0174

INTERNATIONAL MILITARY TRIBUNAL

Thursday, May 30, 1946

Leave granted defendant Jodl to absent himself from the sessions of the Tribunal this afternoon and tomorrow for the purpose of preparing his defense. (10631)

Testimony of defendant Sauckel (resumed). (10631)

Colloquy between the President and counsel relative to document 3057-PS which M. Herzog mistakenly stated had been submitted as Exhibit USA 223. (10634)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0175

INTERNATIONAL MILITARY TRIBUNAL

Friday, May 31, 1946

Testimony of defendant Sauckel (resumed). (10719)

Motion by Dr. Flaechsner that the Soviet Prosecutor be not permitted to use Speer documents prior to their submission granted. (10758)

Ordered that the translation of document 744-PS be checked on application of Dr. Nelte. (10770)

Testimony of witness Timm. (10819)

The President announced the following order:

"Upon consideration of the Motion of the Prosecution, dated the 21st of May and the Memorandum of the Defense Counsel in reply thereto, dated the 29th of May, the Tribunal makes the following order:

The motion of the Prosecution that arguments as to the guilt or innocence of the individual defendants be heard at the conclusion of the evidence relating to the individual defendants, and before the introduction of evidence relating to the accused organizations, is granted. The Tribunal, however, will not decide the question of the guilt or innocence of any defendant until after all the evidence has been heard; and, if any of the evidence relating to the accused organizations is thought by counsel for any defendant to support his defense, he may ask to be heard further with regard thereto. The Tribunal at the conclusion of the evidence bearing thereon, and before the Tribunal has departed from this and gone into the branch of the case relating to the organizations. This arrangement, furthermore, will give the Commissioners who are taking the evidence as to the organizations, further time in which to complete their work. The defendants will not be prejudiced in any way by this arrangement; for, apart from the fact that their cases are essentially different from the cases of the organizations, they will be allowed to call to the attention of the Tribunal any circumstance developed on the hearing of the organizations which is thought to be helpful to their defense. The Tribunal finds nothing in the Charter which forbids this procedure, and Article 9 leaves to the discretion of the Tribunal the manner of hearing evidence in behalf of the accused organizations. (10825)

Counsel for the individual defendants will not be permitted to cross-examine the witnesses called by counsel in behalf of the organizations or to take part in such proceedings save when specially authorized to do so by the Tribunal." (10826)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0176

INTERNATIONAL MILITARY TRIBUNAL

Saturday, June 1, 1946

Leave granted defendant von Papen to absent himself from the sessions of the Tribunal on Monday and Tuesday for the purpose of preparing his defense. (10827)

Testimony of witness Timm (resumed). (10827)

Testimony of witness Hildebrandt. (10851)

Testimony of witness Stothfang. (10860)

Adjourned until Monday, June 3, at 10:00 o'clock.

H5172 - 0177

INTERNATIONAL MILITARY TRIBUNAL

Monday, June 3, 1946

Present: All of the Members of the Tribunal and their Alternates.

Presentation of the defense of defendant Sauckel continued. (10874)

Testimony of witness Jaeger. (10887)

Colloquy between the President and counsel relative to document D-288 (Exhibit USA 202). (10906)

Presentation of the defense of defendant Sauckel concluded. (10912)

Presentation of the defense of defendant Jodl commenced by Dr. Exner. (10912)

Testimony of defendant Jodl. (10912)

Hearing on supplemental applications for witnesses and documents. (10917)

Testimony of defendant Jodl (resumed). (10924)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0178

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, June 4, 1946

Present: All of the Members of the Tribunal and their Alternates.

Testimony of witness Jodl (resumed). (10947)

Colloquy between the President and counsel concerning the status of document 532-PS offered as RF 368. (10967)

Leave granted defendant Seyss-Inquart to absent himself from the sessions of the Tribunal for two days for the purpose of preparing his defense. (11024)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0179

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, June 5, 1946

Present: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Jodl (resumed). (11025)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0180

INTERNATIONAL MILITARY TRIBUNAL

Thursday, June 6, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Jodl (resumed). (11111)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0181

INTERNATIONAL MILITARY TRIBUNAL

Friday, June 7, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Jodl (resumed). (11210)

Colloquy between the President and counsel as to the admissibility of Exhibit USSR 470 and the Soviet Prosecution directed to produce the original of the document. (11235)

Application by Dr. Nelte that General Oesterreich be called for cross-examination on his statement submitted as Exhibit USSR 151. (11262)

Leave granted Dr. Jahrreiss to conduct examination of Jodl witnesses in the place of Dr. Exner. (11274)

Testimony of von Buttlar Brandenfels. (11275)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0182

INTERNATIONAL MILITARY TRIBUNAL

Saturday, June 8, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

The President announced the ruling of the Tribunal on supplemental applications for witnesses and documents. (11289)

The President said:-

"In the future, counsel for the organizations which the Prosecution has asked the Tribunal to declare to be criminal will not be permitted to examine or to cross examine any witnesses other than the defendants in this court. If they wish to examine or to cross examine these witnesses, they must call them before the commissions which are now sitting for the taking of evidence on the questions with which the organizations are concerned." (11290)

Supplemental application submitted by Dr. Kuboschok and ruling thereon. (11291-94)

Testimony of witness von Butlar Brandenfels (resumed) (11296)

Testimony of witness Buechs. (11298)

Colloquy between the President and defense counsel representing organizations relative to the ruling affecting witnesses for organizations. (11314)

Testimony of witness Schramm. (11316)

Testimony of witness Winter. (11325)

Presentation of the defense of defendant Jodl concluded by Dr. Exner. (11336)

Adjourned until Monday, June 10th, at 10:00 o'clock.

H5172 - 0183

INTERNATIONAL MILITARY TRIBUNAL

Monday, June 10, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Presentation of the defense of defendant Seyss-Inquart commenced by Dr. Steinbauer. (11337)

Testimony of defendant Seyss-Inquart. (11337)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0184

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, June 11, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Seyss-Inquart (resumed). (11414)

Leave granted Dr. Kaufmann to examine the defendant tomorrow on application of Dr. Kubuschok in that behalf. (11442)

Colloquy between the President and counsel relative to document F-886 (RF 1527) and the French Prosecutor instructed to submit a properly certified copy. (11472-6)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0185

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, June 12, 1946

PRESENT: All Members of the Tribunal and their Alternates.

Testimony of defendant Seyss-Inquart (resumed) (11490)

Testimony of witness Horstenau. (11557)

Testimony of witness Rainer. (11568)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0186

INTERNATIONAL MILITARY TRIBUNAL

Thursday, June 13, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

The President said:

"The Tribunal has considered the question of the time to be taken by counsel in their concluding speeches. The provisions of Article 18 of the Charter directing the Tribunal to confine the trial strictly to an expeditious hearing must be observed, and counsel clearly could not be permitted to speak at any length they choose. Necessity dictates that there must be some limitation, or this already lengthy trial might be prolonged beyond all reason.

The Tribunal understands that the prosecution will voluntarily limit their concluding speeches to three days in all, and some voluntary limitation should be made by counsel for the defense. The evidence for the defendants has been fully heard in great detail, and what is now needed is not a detailed analysis of the evidence, but a concise review of the main matters.

The Tribunal wishes to make clear that no admission will be inferred from failure to mention any particular matter in argument. On this view, in the opinion of the Tribunal, the speeches of the counsel for the defense--including the speech to be made on behalf of all the defendants on the submission of law--should be concluded in fourteen days in all. This will allow the defense double the time taken by the prosecution, both in opening and in summing up. By mutual arrangement between counsel, these fourteen days could be apportioned as they think fit, and the Tribunal would prefer that they make the apportionment rather than make the apportionment itself.

The Tribunal expects, therefore, that counsel for the defense will prepare their speeches in accordance with what I have said, and will advise the Tribunal as soon as possible of the apportionment of time that they have made. If they find themselves unable to agree on this apportionment, the Tribunal will give further consideration to the matter.

H5172 - 0187

The Tribunal desires also to point out to counsel--both for the prosecution and for the defendants--that it will materially help the Tribunal if counsel would submit translations of their speeches at the time they make them." (11591)

The Tribunal heard argument of defense counsel objecting to the above ruling and the President stated that the Tribunal would give further consideration to the matter. (11592-97)

Testimony of witness Rainer (resumed). (11598)

Testimony of witness Schmidt. (11601)

Testimony of witness Skubl. (11638)

Testimony of witness Wimmer. (11646)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0188

INTERNATIONAL MILITARY TRIBUNAL

Friday, June 14, 1946

Testimony of witness Wimmer (Resumed). (11673)

Testimony of witness Hirschfeld. (11680)

Testimony of witness Schwebel. (11700)

Presentation of the defense of defendant Seyss-Inquart concluded. (11711)

Leave granted defendants Fritzsche and Speer to absent themselves from the sessions on Monday and Tuesday for the purpose of preparing their defense. (11711)

The President directed that Dr. Laternser put in writing any motion he desired to submit relative to the Tribunal's ruling pertaining to the matter of examining witnesses on behalf of the organizations. (11711)

Presentation of the defense of defendant von Papen commenced by Dr. Kubuschok. (11712)

Testimony of defendant von Papen. (11712)

Adjourned until Monday, June 17th, at 10:00 o'clock.

H5172-0189

INTERNATIONAL MILITARY TRIBUNAL

Monday, June 17, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of defendant von Papen (resumed). (11749)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0190

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, June 18, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of defendant von Papen (resumed) (11822)

Dr. Kubuschok objected to the use of an affidavit of Schroeder and it was not offered in evidence. (11868)

Dr. Kubuschok objected to the use of an affidavit of Meissner, in evidence as GB Exhibit 495 (3309-PS) and it was agreed that the affidavit should not be used. (11876)

Leave granted defendant von Neurath to absent himself from the sessions of Wednesday and Thursday for the purpose of preparing his defense. (11884)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0191

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, June 19, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of defendant von Papen (resumed). (11910)

Testimony of witness Kroll. (11969)

Presentation of the defense of defendant von Papen concluded. (11976)

Presentation of the defense of defendant Speer commenced by Dr. Flaechsner. (11977)

Testimony of defendant Speer. (11977)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0192

INTERNATIONAL MILITARY TRIBUNAL

Thursday, June 20, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

The President said:

"Supplementary witnesses will be heard at the end of the case for the defendants. Secondly, interrogatories and other documents received by that time must be offered in evidence then. Thirdly, interrogatories and other documents allowed before the end of the evidence but received at a later date will be received and considered by the Tribunal up to the end of the trial." (12001)

Testimony of defendant Speer (resumed). (12001)

The President said:

"The Tribunal will hear defendants' counsel at two o'clock tomorrow afternoon on the question of the apportionment of time for the defendants' counsel's speeches." (12021)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0193

INTERNATIONAL MILITARY TRIBUNAL

Friday, June 21, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Speer (resumed) (12091)

Document D-258 (Exhibit USA 896) admitted in evidence over objection of Dr. Flaechsner. (12132)

Report by defense counsel with reference to apportionment of time for their closing speeches. (12139)

Presentation of defense of defendant Speer concluded. (12189)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0194

INTERNATIONAL MILITARY TRIBUNAL

Saturday, June 22, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Presentation of the defense of defendant von Neurath commenced by Dr. Luedinghausen. (12190)

Testimony of defendant von Neurath. (12192)

Adjourned until Monday morning, June 24th, at 10:00 o'clock.

H5172 - 0195

INTERNATIONAL MILITARY TRIBUNAL

Monday, June 24, 1946

PRESENT: All of the members of the Tribunal and their Alternates.

Testimony of defendant von Neurath (resumed). (12227)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 – 0196

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, June 25, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Colloquy between the President and Dr. Nelte concerning the translation of his final argument. (12301)

The President said:

"The Tribunal has an announcement upon the subject, which I am about to read. The announcement is this:

In view of the discussion which took place on the 13th of June 1946, on the question of time to be taken by defense counsel, the Tribunal has given the matter further consideration.

When the defense counsel stated the time they wished to take, the Tribunal observed that some of the defendants required more time than others, and to this extent they did make an apportionment among themselves. The Tribunal feels that the suggested times are much too long and some voluntary restriction should be made.

Except as to a few of the defendants whose cases are of very wide scope, the Tribunal is of the opinion that one-half a day to each defendant is ample time for the presentation of his defense, and the Tribunal hopes that counsel will condense their arguments and limit themselves voluntarily to this time. The Tribunal, however, will not permit counsel for any defendant to deal with irrelevant matters or to speak for more than one day in any case. Four hours will be allowed at the beginning for argument on the general questions of law and fact, and counsel should cooperate in their arguments in such a way as to avoid needless repetition.

I am told that one part of the announcement that I was making came through in an incorrect shape on some of the translations; so I will read it again.

Except as to a few of the defendants whose cases are of very wide scope, the Tribunal is of the opinion that one-half a day to each defendant is ample time for the presentation of his defense; and the Tribunal hopes that counsel will condense their arguments and limit themselves voluntarily to this time. The Tribunal, however, will not permit counsel for any defendant to deal with irrelevant matters or to speak more than one day in any case. Four hours will be allowed at the beginning for argument on the general questions of law and fact, and counsel should cooperate in their arguments in such a way as to avoid needless repetition.

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(continued)

As heretofore stated, the Tribunal would like to have a translation of each argument in French, Russian and English submitted at the beginning of the argument. Counsel may arrange for the translation themselves if they so desire, but if they will submit copies of their arguments to the Translating Department, as soon as possible, and not less than three days in advance of delivery, the translation will be made for them, and the contents of the copies will not be disclosed." (12302)

Testimony of defendant von Neurath (resumed). (12303)

Adjourned until tomorrow at 12:00 o'clock.

H5172 - 0198

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, June 26, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

The President announced there would be no open session tomorrow afternoon. (12403)

Testimony of defendant von Neurath (resumed). (12403)

Objection of Dr. Luedinghausen to USSR Exhibit 60 overruled. (12413)

Leave granted defendant Ribbentrop to absent himself from the sessions this afternoon and tomorrow for the purpose of preparing his defense. (12430)

Testimony of witness Koepke. (12436)

Testimony of witness Diekhoff. (12446)

Hearing of supplemental applications for witnesses and documents. (12448)

Colloquy between the President and counsel on the question of the appropriate time to submit outstanding documents and hear rebuttal testimony. (12454)

Testimony of witness Diekoff (resumed) (12455)

Testimony of witness Voelkers. (12461)

Presentation of the defense of defendant von Neurath concluded. (12474)

Testimony of defendant Fritzsche. (12475)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0199

INTERNATIONAL MILITARY TRIBUNAL

Thursday, June 27, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of defendant Fritzsche (resumed) (12494)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0200

INTERNATIONAL MILITARY TRIBUNAL

Friday, June 28, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of witness von Schirmeister. (12609)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0201

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, July 2, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Testimony of witness Markov (resumed). (12742)

Request by Dr. Stahner to call on expert witness for the defense denied. (12754)

Leave granted to admit German White Book in evidence under Article of the Charter. (12757)

Testimony of witness Prosorovski. (12773)

Leave granted Dr. Luedinghausen to recall von Neurath as a witness. (12790)

Testimony of defendant von Neurath (recalled). (12791)

Submission of additional documents by defense counsel. (12795)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0202

INTERNATIONAL MILITARY TRIBUNAL

Monday, July 1, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

The President said:

"The Tribunal orders that any of the evidence taken on Commission which the Defense Counsel or the Prosecution wish to use shall be offered in evidence by them. This evidence will then become a part of the record, subject to any objections.

Counsel for the organizations should begin to make up their document books as soon as possible and put in their requests for translations." (12661)

Hearing of the evidence relating to Katyn. (12661)

Testimony of witness Ahrens. (12662)

Testimony of witness von Eichborn. (12692)

Testimony of witness Oberhaueser. (12708)

Testimony of witness Bazilevsky. (12720)

Testimony of witness Markov. (12734)

Adjourned until tomorrow at 10:00 o'clock.

H5172-0203

INTERNATIONAL MILITARY TRIBUNAL

Saturday, June 29, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

The President announced the ruling of the Tribunal on supplementary applications for witnesses and documents. (12621)

Sir David Maxwell Fyfe reported on witnesses yet to be heard. (12623)

Testimony of witness von Schirmeister (resumed). (12629)

Testimony of defendant Fritzsche (recalled). (12637)

Presentation of the defense of defendant Fritzsche concluded. (12642)

Presentation of the defense of defendant Bormann by Dr. Bergold. (12644)

Colloquy between the President and counsel relative to the evidence to be presented relating to the Katyn incident. (12659)

Adjourned until Monday morning, July 1st, at 10:00 o'clock.

H5172 – 0204

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, July 3, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Submission by Defense Counsel of additional documents. (12818)

The President announced that the Tribunal would not sit in open session on Saturdays in the future. (12860)

Submission of documents in rebuttal by the Prosecution. (12868)

Testimony of witness Kempka (for Bormann). (12889)

Colloquy between the President and Counsel regarding the length of defendants' speeches. (12898)

Adjourned until tomorrow morning at 1200 o'clock.

H5172 - 0205

INTERNATIONAL MILITARY TRIBUNAL

Thursday, July 4, 1946

PRESENT: All of the members of the Tribunal and their Alternates.

Legal argument on behalf of all defendants presented by Dr. Jahrreiss. (12903)

Dr. Sauter read a letter from defendant Funk pertaining to his testimony. (12951)

Dr. Exner read a letter from defendant Jodl pertaining to his testimony. (12953)

Final argument on behalf of defendant Goering commenced by Dr. Stahmer. (12953)

Adjourned until tomorrow at 10:00 o'clock.

H5172 - 0206

INTERNATIONAL MILITARY TRIBUNAL

Friday, July 5, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Final argument on behalf of defendant Goering concluded by Dr. Stahmer. (12979)

Final argument on behalf of defendant Hess commenced by Dr. Seidl. (13030)

Argument suspended and Dr. Seidl directed to recast his speech and submit it for translation. (13055)

Final argument on behalf of defendant Ribbentrop commenced by Dr. Horn. (13036)

The President informed defense counsel that there should be no repetition of legal arguments. (13063)

Adjourned until Monday, July 8th at 10:00 o'clock.

H5172 - 0207

INTERNATIONAL MILITARY TRIBUNAL

Monday, July 8, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Final argument on behalf of defendant Ribbentrop concluded by Dr. Horn. (13065)

Final argument on behalf of defendant Keitel commenced by Dr. Nelte. (13102)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0208

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, July 9, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Defendants Hess and Fritzsche absent. (13170)

The Tribunal orders that applications for witnesses for organizations should be made to the General Secretary not later than July 20th. (13170)

Final argument on behalf of defendant Keitel concluded by Dr. Nelte. (13208)

Final argument on behalf of defendant Kaltenbrunner begun by Dr. Kauffmann. (13208)

Final argument on behalf of defendant Kaltenbrunner concluded by Dr. Kauffmann. (13244)

Final argument on behalf of defendant Rosenberg begun by Dr. Thoma. (13244)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0209

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, July 10, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

The President announced that the Tribunal would sit in closed session this afternoon. (13272)

Final argument on behalf of defendant Rosenberg continued by Dr. Thoma. (13272)

Final argument on behalf of defendant Rosenberg concluded by Dr. Thoma. (13316)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0210

INTERNATIONAL MILITARY TRIBUNAL

Thursday, July 11, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

The President announced that the Tribunal will sit in closed session at four o'clock this afternoon. (13317)

Final argument on behalf of Defendant Frank begun by Dr. Seidl. (13317)

Final argument on behalf of defendant Frank concluded. (13362)

Final argument on behalf of defendant Frick begun by Dr. Pannenbecker. (13363)

Final argument on behalf of defendant Frick concluded by Dr. Pannenbecker. (13397)

Final argument on behalf of defendant Streicher begun by Dr. Marx. (13398)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0211

INTERNATIONAL MILITARY TRIBUNAL

Friday, July 12, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Final argument on behalf of defendant Streicher continued by Dr. Marx. (13402)

Final argument on behalf of defendant Streicher concluded by Dr. Marx. (13440)

Final argument on behalf of defendant Funk begun by Dr. Sauter. (13441)

Adjourned until Monday, July 15th, at 10:00 o'clock.

H5172 - 0212

INTERNATIONAL MILITARY TRIBUNAL

Monday, July 15, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Defendant Ribbentrop absent. (13479)

Final argument on behalf of defendant Funk continued by Dr. Sauter. (13479)

Final argument on behalf of defendant Funk concluded by Dr. Sauter. (13492)

Discussion of admission of interrogatories and affidavits. (13492)

Final argument on behalf of Defendant Schacht begun by Dr. Dix. (13502)

Final argument on behalf of defendant Schacht concluded by Dr. Dix. (13556)

Final argument on behalf of defendant Doenitz begun by Dr. Kranzbuehler. (13557)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0213

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, July 16, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Final argument on behalf of defendant Doenitz continued by Dr. Kranzbuehler. (13574)

Final argument on behalf of defendant Doenitz concluded by Dr. Kranzbuehler. (13636)

Final argument on behalf of defendant Raeder begun by Dr. Siemers. (13637)

Adjourned until tomorrow moring at 10:00 o'clock.

H5172 - 0214

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, July 17, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Final argument on behalf of Defendant Raeder continued by Dr. Siemers. (13678)

Final argument on behalf of defendant Raeder concluded by Dr. Siemers. (13712)

Final argument on behalf of defendant Schirach begun by Dr. Sauter. (13712)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0215

INTERNATIONAL MILITARY TRIBUNAL

Thursday, July 18, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Final argument on behalf of defendant von Schirach concluded. (13760)

Final argument on behalf of defendant Sauckel begun by Dr. Servatius. (13760)

Final argument on behalf of defendant Sauckel concluded by Dr. Servatius. (13819)

Final argument on behalf of defendant Jodl begun by Dr. Exner. (13819)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0216

INTERNATIONAL MILITARY TRIBUNAL

Friday, July 19, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Final argument on behalf of defendant Jodl continued by Dr. Exner. (13825)

Final argument on behalf of Jodl concluded by Dr. Exner. (13885)

Final argument on behalf of defendant Seyss-Inquart begun by Dr. Steinbauer. (13886)

Adjourned until Monday, July 22, at 10:00 o'clock.

H5172-0217

INTERNATIONAL MILITARY TRIBUNAL

Monday, July 22, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Discussion of the order of submission of Exhibits in regards to the organizations to be tried. (13931)

Final argument on behalf of defendant Seyss-Inquart continued by Dr. Steinbauer. (13949)

Final argument on behalf of defendant Seyss-Inquart concluded by Dr. Steinbauer. (13966).

Final argument on behalf of defendant Bormann begun by Dr. Bergold. (13967)

Final argument on behalf of defendant Bormann concluded by Dr. Bergold. (13982)

Final argument on behalf of defendant von Papen begun by Dr. Kubuschok. (13982)

Adjourned until tomorrow moring at 10:00 o'clock.

H5172-0218

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, July 23, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Final arguments on behalf of von Papen continued by Dr. Kubuschok. (14031)

Final argument on behalf of von Papen concluded by Dr. Kubuschok. (14053)

Final argument on behalf of defendant Speer begun by Dr. Flaechsner. (14054)

Final argument on behalf of defendant Speer concluded by Dr. Flaechsner. (14104)

Final argument on behalf of defendant von Neurath begun by Dr. von Luedinghausen. (14104)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0219

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, July 24, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Discussion in regard to applications for witnesses on behalf of the various organizations. (14145)

Order by the Court with reference to calling witnesses for the various organizations. (14162)

Final argument on behalf of defendant von Neurath concluded by Dr. Luedinghausen. (14219)

Final argument on behalf of defendant Fritzsche begun by Dr. Fritz. (14219)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0220

INTERNATIONAL MILITARY TRIBUNAL

Thursday, July 25, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Final argument on behalf of defendant Fritzsche continued by Dr. Fritz. (14244)

Final argument on behalf of defendant Fritzsche concluded by Dr. Fritz. (14272)

Discussion in regard to the order of proceedings of the organizations. (14273)

Final argument on behalf of defendant Hess begun by Dr. Seidl. (14274)

Final argument on behalf of defendant Hess concluded by Dr. Seidl. (14330)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0221

INTERNATIONAL MILITARY TRIBUNAL

Friday, July 26, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Final speech of Robert H. Jackson, Chief Prosecutor of the United States of America. (14331-14378)

Summation of Mr. Justice Jackson's speech with footnotes to the record. (14379-14406)

Final speech of Sir Hartley Shawcross, Chief Prosecutor of the United Kingdom, Great Britain and Northern Ireland. (14407)

Adjourned until tomorrow morning at 0945 hours.

H5172 - 0222

INTERNATIONAL MILITARY TRIBUNAL

Saturday, July 27, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Final speech of Sir Hartley Shawcross, Chief Prosecutor of the United Kingdom, Great Britain and Northern Ireland (Resumed). (14467)

Final speech of Sir Hartley Shawcross concluded. (14533)

Adjourned until Monday, 29 July 1946, at 1000 hours.

H5172 - 0223

INTERNATIONAL MILITARY TRIBUNAL

Monday, July 29, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Introduction to the French final address by M. Champetier de Ribes, Chief Prosecutor of the Provisional Government of the Republic of France. (14534)

Final speech of M. Dubost of the French Prosecution. (14541-14587)

Final speech of General Rudenko, Chief Prosecutor of the Union of Soviet Socialist Republics. (14588)

Adjourned until tomorrow morning at 1000 hours.

H5172 - 0224

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, July 30, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

General Rudenko continues final speech on behalf of the Russian Prosecution. (14660-80)

The Court deals with the applications for witnesses and documents by the Counsel for the SA and Reich Cabinet. (14680-90)

Discussion President and Dr. Servatius on presentation of Leadership Corps documents. (14690-93)

Presentation of the defense of the Leadership Corps commenced by Dr. Servatius. (14693)

Direct examination of witness Karl Otto Kurt Kauffmann by Dr. Servatius. (14694-707)

Cross Examination of witness Kauffman by Sir David Maxwell-Fyfe (14708-40)

Dr. Servatius objects to introduction of new documents by the Prosecution and asks that document 205-PS (GB-538) be stricken out. Objection overruled. (14741-42)

Re-direct examination of witness Kauffman by Dr. Servatius. (14742-45)

Direct examination of witness Willie Meyer-Wenderborn by Dr. Servatius. (14745-53)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0225

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, July 31, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Servatius continues direct examination of witness Willi Meyer-Wenderborn. (14754)

Cross examination of witness Meyer-Wenderborn by Lt. Col. Griffith Jones. (14758-70)

Re-direct examination of witness Meyer-Wenderborn by Dr. Servatius. (14770-71)

Direct examination of Hans Wegscheider by Dr. Servatius. (14771-80)

Cross examination of witness Wegscheider by Lt. Colonel Griffith Jones. (14780-84)

Examination of witness Wegscheider by the Tribunal (General Nikitchenko). (14784-85)

Examination of witness Wegscheider by the President. (14785-87)

Direct examination of witness Dr. Ernest Hirt by Dr. Servatius. (14787-93)

Cross examination of witness Hirt by Lt. Colonel Griffith Jones. (14794-99)

Redirect examination of witness Hirt by Dr. Servatius. (14799-802)

Direct examination of witness Theo Hupfauer by Dr. Servatius. (14802-15)

Cross examination of witness Hupfauer by Lt. Col. Griffith Jones. (14815-18)

Presentation of the defense of the Leadership Corps concluded by Dr. Servatius. (14819)

Presentation of the defense of the Gestapo commenced by Dr. Merkel. (14819)

Direct examination of witness Dr. Karl Rudolf Werner Best by Dr. Merkel. 14821-41)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0226

INTERNATIONAL MILITARY TRIBUNAL

Thursday, August 1, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Examination of witness Best by Dr. Gawlik. (14842-43)

Cross examination of witness Best by Lt. Comdr. Harris. (14844-60)

Re-direct examination of witness Best by Dr. Merkel. (14860-62)

Examination of witness Best by Dr. Laternser. (14862-63)

Direct examination of witness Karl Heinz Hoffmann by Dr. Merkel. (14864-78)

Cross examination of witness Hoffmann by M. Monneray. (14879-94)

Re-direct examination of witness Hoffmann by Dr. Merkel. (14894-95)

Examination of witness Hoffmann by the Tribunal (Mr. Biddle) (14895-99)

Re-cross examination of witness Hoffmann by Lt. Comdr. Harris. (14899)

Presentation of the defense of the Gestapo concluded by Dr. Merkel. (14902)

Presentation of the defense of the SD commenced by Dr. Gawlik. (14903)

Direct examination of witness Rolf Heinz Hoeppner by Dr. Gawlik. (14903-21)

Cross examination of witness Rolf Heinz Hoeppner by Major Murray. (14921-29)

Examination of witness Hoeppher by Colonel Smyrnow. (14929)

Re-direct examination of witness Hoeppner by Dr. Gawlik. (14930-31)

Examination of witness Hoeppner by the President. (14931-33)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0227

INTERNATIONAL MILITARY TRIBUNAL

Friday, August 2, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Cross examination of witness Rolf Heinz Hoeppner by Colonel Smirnov. (14935-52)

Examination of witness Rolf Heinz Hoeppner by the President. (14952-55)

Colonel Smirnov continues cross examination of witness Rolf Heinz Hoeppner. (14955-61)

Re-direct examination of witness Rolf Heinz Hoeppner by Dr. Gawlik. (14961-65)

Direct examination of witness Hans Roessner by Dr. Gawlik. (14966-82)

Cross examination of witness Roessner by M. Monneray. (14982-15000)

Presentation of the defense of the Gestapo concluded by Dr. Gawlik. (15000)

Presentation of the defense of the Reich Government commenced by Dr. Kubuschok. (15001)

Direct examination of witness Franz Schlegelberger by Dr. Kubuschok. (15001-8)

Cross examination of witness Schlegelberger by Dr. Kempner. (15008-14)

Re-direct examination of witness Schlegelberger by Dr. Dix. (15014-15)

Adjourned until tomorrow moring at 10:00 o'clock.

H5172 - 0228

INTERNATIONAL MILITARY TRIBUNAL

Saturday, August 3, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Supplemental applications made by Dr. Siemers for witnesses and documents. (15016)

Re-direct examination of witness Schlegelberger by Dr. Kubuschol. (15018-19)

Presentation of the defense of the Reich Cabinet concluded by Dr. Kubuschok. (15019)

Application by Mr. Elwyn Jones that witness Sievers be called for cross examination. Application granted. (15019-23)

Presentation of the defense of the SS commenced by Dr. Pelckmann. (15024)

Direct examination of witness Friedrich Karl von Eberstein by Dr. Pelckmann. (15024-36)

The President announced that both of Dr. Siemers applications were rejected. (15037)

Dr. Pelckmann continues examination of witness Eberstein. (15037-54)

Adjourned until Monday morning, August 5, 1946 at 10:00 o'clock.

H5172 – 0229

INTERNATIONAL MILITARY TRIBUNAL

Monday, August 5, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Pelckmann continues examination of witness Eberstein. (15054-63)

Cross examination of witness Eberstein by Mr. Elwyn Jones. (15063-86)

Re-direct examination of witness Eberstein by Dr. Pelckmann. (15086-94)

Direct examination of witness Robert Brill by Dr. Pelckmann. (15095-108)

Cross examination of witness Brill by Mr. Elwyn Jones. (15108-12)

Cross examination of witness Brill by Colonel Smirnov. (15113-15)

Re-direct examination of witness Brill by Dr. Pelckmann. (15116)

Examination of witness Best by the Tribunal (Mr. Biddle). (15116-18)

Direct examination of witness Paul Hauser by Dr. Pelckmann. (15118-28)

Adjourned until Tuesday morning at 10:00 o'clock.

H5172 - 0230

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, August 6, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

The President announced that the Tribunal will sit in closed session on Thursday afternoon. (15129)

Dr. Pelckmann continues examination of witness Hauser. (15129-35)

Cross examination of witness Hauser by Mr. Elwyn Jones. (15135-72)

Cross examination of witness Hauser by Colonel Smirnov. (15172-79)

Redirect examination of witness Hauser by Dr. Pelckmann. (15180-87)

Application of Dr. Pelckmann to call witness Israel Eisenberg for cross examination. (15187)

Direct examination of witness Guenther Reinecke by Dr. Pelckmann. (15188-212)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0231

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, August 7, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Pelckmann continues examination of witness Reinecke. (15213-35)

Request of Dr. Laternser to examine witness Reinecke refused. (15236)

Cross examination of witness Reinecke by Mr. Elwyn Jones. (15237-55)

Discussion of admissibility of document D-959 (GB 571) and the ruling thereon. (15255-58)

Cross examination of witness Reinecke continued by Mr. Jones. (15258-63-

Cross examination of witness Reinecke by Colonel Smirnov. (15263-64)

Re-direct examination of witness Reinecke by Dr. Pelckmann. (15266-272)

Examination of witness Reinecke by Dr. Gawlik. (15273)

Examination of witness Reinecke by the Tribunal (Mr. Biddle). (15273-76)

Examination of witness Reinecke by the President. (15276-77)

Application of Dr. Pelckmann to call witness Morgen in place of witness Hindenberg granted. (15277-15281)

Direct examination of witness Eisenberg by Mr. Elwyn Jones. (15282)

Cross examination of witness Eisenberg by Dr. Pelckmann. (15283-84)

Direct examination of witness Georg Konrad Morgan by Dr. Pelckmann. (15285-96)

Adjounred until tomorrow morning at 10:00 o'clock.

H5172 - 0232

INTERNATIONAL MILITARY TRIBUNAL

Thursday, August 8, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Pelckmann continues examination of witness Morgen. (15297-307)

Examination of witness Morgen by the President. (15307-8)

Dr. Pelckmann continues examination of witness Morgen. (15308-19)

Witness Morgen examined by Dr. Merkel. (15320)

Witness Morgen examined by Dr. Gawlik. (15321)

Cross examination of witness Wolfram Sievers by Mr. Elwyn Jones (15323-43)

Adjourned until Friday morning at 10:00 o'clock.

H5172 - 0233

INTERNATIONAL MILITARY TRIBUNAL

Friday, August 9, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Mr. Elwyn Jones continues cross examination of witness Sievers. (15344-67)

Re-examination of witness Sievers by Dr. Pelckmann. (15368-74)

Examination of witness Sievers by the Tribunal (Mr. Biddle). (15378-79)

Presentation of the defense of the SS concluded by Dr. Pelckmann. (15382)

Presentation of the defense of the General Staff commenced by Dr. Laternser. (15384)

Direct examination of Salter von Brauchitsch by Dr. Laternser. (15386-11)

Cross examination of witness von Brauchitsch by General Telford Taylor. (15412-17)

Re-direct examination of witness von Brauchitsch by Dr. Laternser. (15417-19)

Direct examination of witness Erich von Mannstein by Dr. Laternser. (15420-36)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0234

INTERNATIONAL MILITARY TRIBUNAL

Saturday, August 10, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Laternser continues examination of witness von Mannstein. (15437-60)

Examination of witness von Mannstein by Dr. Gawlik. (15461--62)

Cross examination of witness von Mannstein by Brigadier General Taylor. (15462-84)

Adjourned until Monday, August 12, at 10:00 o'clock.

H5172 - 0235

INTERNATIONAL MILITARY TRIBUNAL

Monday, August 12, 1946

121

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Sauter (Counsel for defendant Funk) presents applications. (15485-87)

Cross examination of witness von Mannstein by General Alexandrov. (15488-501)

Re-direct examination of witness von Mannstein by Dr. Laternser. (15501-07)

Direct examination of Gert von Runstedt by Dr. Laternser. (15511-23)

Cross examination of witness von Runstedt by Mr. Calvacoressi. (15523-41)

Re-direct examination of witness von Runstedt by Dr. Laternser. (15541-44)

Presentation of the defense of the General Staff concluded by Dr. Laternser. (15544)

Presentation of the defense of the SA commenced by Dr. Boehm. (15544)

Direct examination of witness Franz Bock by Dr. Boehm. (15546-59)

Cross examination of witness Bock by Mr. Barrington. (15560-68)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0236

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, August 13, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

The President announced that the Tribunal will sit in closed session tomorrow afternoon. (15569)

Re-direct examination of witness Bock by Dr. Boehm. (15569-73)

Direct examination of witness August Max Schaefer by Dr. Boehm. (15573-92)

Cross examination of witness Schaefer by Mr. Barrington. (15593-615)

Re-direct examination of witness Schaefer by Dr. Boehm. (15615)

Direct examination of witness Theodor Gruss by Dr. Boehm. (15617-31)

Cross Examination of witness Theodor Gruss by Colonel Phillimore. (15632-38)

Examination of witness Gruss by the President. (15638)

Direct examination of witness Max Juettner by Dr. Boehm. (15640-56)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0237

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, August 14, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Boehm continues examination of witness Juettner. (15657-71)

Cross examination of witness Juettner by Sir David Maxwell Fyfe. (15672-705)

Adjourned until tomorrow moring at 10:00 o'clock.

H5172 - 0238

INTERNATIONAL MILITARY TRIBUNAL

Thursday, August 15, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

The President announced that a closed session will be held this afternoon. (15706)

Sir David Maxwell-Fyfe continues cross examination of witness Juettner. (15708-40)

Sir David Maxwell-Fyfe presents affidavit of Dr. Wilhelm Hoegner. (15742)

Dr. Seidl offers Frank Exhibit 25 in evidence. (15746)

Re-direct examination of witness Juettner by Dr. Boehm. 15750-52)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172 - 0239

INTERNATIONAL MILITARY TRIBUNAL

Friday, August 16, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Boehm continues re-direct examination of witness Juettner. (15753-80)

Presentation of the defense of the SA concluded by Dr. Boehm. (15780)

Dr. Stahmer presents application to recall defendant Goering to the witness stand. (15781)

Direct examination of defendant Funk by Dr. Sauter (recalled) (15784-88)

Cross examination of defendant Funk by Mr. Dodd. (15788-95)

Examination of defendant Funk by Mr. Biddle. (15796-97)

Dr. Servatius submits documents on behalf of the Corps of Political Leaders. (15800-32)

Adjourned until Monday, August 19, 1946 at 10:00 o'clock.

H5172 - 0240

INTERNATIONAL MILITARY TRIBUNAL

Monday, August 19, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Mr. Dodd comments on the application of Dr. Stahmer for permission for the defendant Goering to take the stand. (15833-36)

Dr. Servatius submits further documents on behalf of the Leadership Corps. (15836-42)

Dr. Merkel (Counsel for the Gestapo) submits documents. (15842-68)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0241

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, August 20, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Defendant Hess absent. (15870)

Report on the condition of defendant Hess from Captain G. M. Gilbert, dated 17 August 1946. (15871)

Dr. Stahmer's application to recall defendant Goering to the witness box granted. (15871)

Examination of defendant Goering by Dr. Stahmer. (15873-79)

Cross examination of defendant Goering by Sir David Maxwell-Fyfe. (15879-92)

Dr. Gawlik (Counsel on behalf of the SD) submits documents. (16895-911)

A recess was taken.

Dr. Gawlik submits further documents. (15912-24)

Dr. Kubuschok (Counsel for the Reich Cabinet) submits documents. (15924-30)

Dr. Pelckman (Counsel for the SS) submits documents. (15930-47)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0242

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, August 21, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Pelckman continues submitting documents on behalf of the SS. (15954-68)

Dr. Laternser (Counsel for the General Staff) submits documents. (15968-83)

Dr. Servatius gives order in which closing speeches for the organizations will be presented. (15984)

Dr. Laternser submits further documents. (15985-16015)

Dr. Boehm (Counsel for the SA) submits documents. (16015-19)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0243

INTERNATIONAL MILITARY TRIBUNAL

Thursday, August 22, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Boehm (Counsel for SA) continues presentation of evidence. (16020-42)

Soviet Prosecution objects to admission of Documents SA 285, 286, 287, 132 and 82. (16045-49)

British prosecution submits documents in rebuttal. (16049-59)

The Tribunal overruled the objection of the Soviet Prosecution in regard to the admission of documents SA 285, 286, 287, 132 and 82. (16060)

The President announced that the affidavit of Kurt Erhardt submitted by the British prosecution will be admitted as evidence. The other ten affidavits will be further considered. (16060)

Colonel Smirnov presents applications and the ruling thereon. (16063-65)

6 Dr. Sauter (Counsel for defendant von Schirach) submits additional documents. (16067)

Dr. Servatius makes final speech on behalf of the Corps of Political Leaders. (15069-96)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0244

INTERNATIONAL MILITARY TRIBUNAL

Friday, August 23, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Servatius continues final speech on behalf of the Corps of Political Leaders. (16097-131)

Dr. Merkel makes final speech on behalf of the Gestapo. (16132-85)

Adjourned until Monday, August 26, at 10:00 o'clock.

H5172-0245

INTERNATIONAL MILITARY TRIBUNAL

Monday, August 26, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Laternser objects to the examination of witness Schreiber. Objection overruled. (16151)

Examination of witness Walter Schreiber by General Alexandrov. (16152-62)

Cross examination of witness Schreiber by Dr. Laternser. (16162-71)

Dr. Kaufmann's application of 20 August 1946 to put affidavit of witness Panzinger in evidence granted, provided it is put in evidence before the end of the trial. (16171)

Application of Dr. Pelckmann dated 22 August 1946 denied. (16171)

Application of Dr. Dix dated 20-21 August denied. (16171)

Dr. Pelckmann makes final speech in behalf of SS. (16172-229)

Dr. Gawlick makes final speech in behalf of the SD. (16229-52)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0246

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, August 27, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Laternser presents application to have Colonel Buerker called as a witness. (16254)

Dr. Gawlik continues final speech on behalf of the SD. (16256-93)

Dr. Laternser makes final speech on behalf of the General Staff and High Command. (16293-357)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0247

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, August 28, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Kubuschok makes final speech on behalf of the Reich Cabinet. (16360-407)

Dr. Boehm makes final speech on behalf of the SA. (16408-466)

Sir David Maxwell Fyfe makes final speech on behalf of the Prosecution. (16466-72)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0248

INTERNATIONAL MILITARY TRIBUNAL

Wednesday, 28 August 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Dr. Kubuschok makes final speech on behalf of the Reich Cabinet. (16360-407)

Dr. Boehm makes final speech on behalf of the SA. (16408-466)

Sir David Maxwell-Fyfe of the British Delegation makes final speech on behalf of the Prosecution. (16466-72)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0249

INTERNATIONAL MILITARY TRIBUNAL

Thursday, August 29, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Sir David Maxwell-Fyfe of the British Delegation continues final speech on behalf of the Prosecution. (16473-555)

Mr. Robert Dodd of the United States Delegation makes final speech on behalf of the Prosecution. (16556-99)

Adjourned until tomorrow morning at 10:00 o'clock.

H5172-0250

INTERNATIONAL MILITARY TRIBUNAL

Friday, August 30, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

General Telford Taylor makes final speech on behalf of the Prosecution. (16601-43)

M. Champetier de Ribes of the French Delegation makes final speech on behalf of the Prosecution. (16644-77)

Application of Dr. Steinbauer (Counsel for defendant Seyss-Inquart) to submit affidavit in evidence granted. (16679)

The Tribunal noted that 3640-PS and 3645-PS were not offered in evidence. (16679)

Dr. Laternser's application to offer letter in evidence in connection with witness Schreiber's testimony granted. (16680)

General Rudenko of the Russian Delegation makes final speech on behalf of the Prosecution. (16680-728)

Adjourned until tomorrow moring at 10:00 o'clock.

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H5172-0251

INTERNATIONAL MILITARY TRIBUNAL

Saturday, August 31, 1946

PRESENT: All of the Members of the Tribunal and their Alternates.

Each defendant makes final statement to the Tribunal.

Dr. Nelte (Counsel for defendant Keitel) submits two documents, K-26 and K-27. (16771)

Dr. Servatius (Counsel for Corps of Political Leaders) submits document PL-69. (16771)

Dr. Kubuschok (Counsel for defendant von Papen) submits document, Exhibit No. 107. (16772)

Dr. Steinbauer (Counsel for defendant Seyss-Inquart) submits documents 115 and 116. (16772)

Dr. Flaeschner (Counsel for defendant Speer) submits documents Nos. 47, 48 and 49. (16773)

The Tribunal expressed its appreciation of the way in which counsel for the Prosecution and counsel for the Defense have performed their duties. (16793)

Adjourned until the 23rd of September 1946.

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Minutes

Summary of Transcript

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